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VOLUME IV



WASHINGTON
DEPARTMENT OF STATE

1905

INTRODUCTORY NOTE.

The plan of this work originally adopted has been followed in the concluding volumes, IV and V, with such modifications or amendments only as have been found indispensable.

All papers in the Bureau relevant to the subject and not appearing in prior volumes are printed in Volumes IV and V. The more important letters touching the determination of the seat of government are included in Volume V, as well as those exhibiting Jefferson's interpretation of the Constitution as it applied to the Louisiana Purchase, and such later letters of Madison as bear directly on the Constitution as a document and on the convention that framed it. Letters transmitting ratifications of the Constitution that have been found with the papers of the Continental Congress appear in Volume IV, others having been previously published in Volume II.

In the appendix to Volume V papers are gathered that were not printed in their proper places in the earlier volumes. They comprise papers subsequently acquired, and papers subsequently discovered, that were out of place among the manuscripts or found in miscellaneous material.

The arrangement is chronological, and to find the proper place of a paper all available evidence has been considered. Names at the heads of letters, if not in brackets, are taken literally from the manuscript; if in brackets, they are determined by such circumstances as handwriting, indorsements,

subject-matter, and the manner of its treatment and place in the manuscripts. Dates of letters are also given literally. Where a writer has substantially repeated a letter only one copy is printed, with a marginal reference. A general index to the work will be separately bound.

ANDREW HUSSEY ALLEN,

Chief of Bureau.

Bureau of Rolls and Library,

Department of State, September, 1905.

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LETTERS AND PAPERS.

J. Madison Jr. to J^r Monroe Esq^r

[Madison Papers,
vol. II, p. 64.]

Richm^d Dec^r 9. 1785

Supposing that you will be at New York by the time this reaches it I drop a few lines for the post of today. M^r Jones tells me he informed you that a substitute had been brought forward to the commercial propositions which you left on the carpet. The subject has not since been called up. If any change has taken place in the mind of the House, it has not been unfavorable to the idea of confiding to Congress a power over trade. I am far from thinking however that a perpetual power can be made palatable at this time. It is more probable that the other idea of a Convention of Commissrs from the States for deliberating on the state of commerce and the degree of power which ought to be lodged in Congress, will be attempted. Should it fail in the House, it is possible that a revival of the printed propositions with an extension of their term to twenty five years, will be thought on by those who contend that some thing of a general nature ought to be done. My own opinion is unaltered. The propositions for a State effort have passed and a bill is ordered in, but the passage of the bill will be

a work of difficulty & uncertainty; many having acquiesced in the preliminary stages who will strenuously oppose the measure in its last stage["s" stricken out].

* * * * *

¹Letters to Washington, vol. LXVIII, p. 261. Madison Papers, vol. II, p. 65. Copy 1.

J. Madison Jr to [George Washington]

Richmond Dec^r 9. 1785

Your favour of the 30 Nov^r was received a few days ago. This would have followed much earlier the one which yours acknowledges had I not wished it to contain some final information relative to the commercial propositions. The discussion of them has consumed much time and though the absolute necessity of some such general system prevailed over all the efforts of its adversaries in the first instance, the stratagem of limiting its duration to a short term has ultimately disappointed our hopes. * * * The propositions however have not yet received the final vote of the House, having lain on the table for some time as a report from the Com^e of the whole. The question was suspended in order to consider a proposition which had for its object a meeting of Politico-commercial Comissrs from all the States for the purpose of digesting and reporting the requisite augmentation of the power of Congress over trade. What the event will be cannot be foreseen. The friends to the original propositions are I am told rather increasing, but I despair of a majority in any event for a longer term than 25 years for their duration. The other scheme will have fewer enemies and may perhaps be carried. It seems naturally to grow out of the proposed appointment of Comsrs for Virg^t & Mary^d concerted at Mount Vernon for keeping up harmony in the commercial regulations of the two States.

Mary^d has ratified the report, but has ^{into the plan} invited [^]Delaware & Pen^a who will naturally pay the same compliment to their neighbours &c &c.. * * *

* * * * *

[James Madison to Thomas Jefferson]

[Madison Papers, vol. II, p. 71.]

Richmond [^{Jan} "June" stricken out] 22^d 1786

* * * * *

Resolution proposing a The necessity of harmony
 general meeting of Comsrs in the commercial regulations
 from the States to consider of the States has been ren-
 and recomend a foederal plan dered every day more appar-
 for regulating Comerce; and ent. The local efforts to
 appoint^e as Comsrs from V^a counteract the policy of G. B.
 E^d Randolph, J^r Madison Jr. instead of succeeding have in
 Walter Jones, S^r G. Tucker every instance recoiled more
 M. Smith, G. Mason, & David or less on the States which
 Ross who are to communicate ventured on the trial. Not-
 the proposal & suggest time withstanding these lessons,
 & place for meeting. the merch^{ts} of this State

except those of Alexandria

and a few of the more intelligent individuals elsewhere,
 were so far carried away by their jealousies of the
 Northern Marine, as to wish for a navigation [^{Act} illegible word
 stricken out] confined to this State alone. In opposition to
 those narrow ideas the printed proposition["s" stricken out]
 herewith enclosed was made. As ["it was" stricken out]
 printed it went into a Comm^e of the whole. The alterations
 of the pen shew the state in which it came out. Its object
 was to give Cong^s such ^{direct power only as would not alarm, but to} [^]["power, and" stricken out] limit

that of the States in such manner as w^d indirectly require a conformity to the plans of Cong^r. The renunciation of the right of laying duties on imports from other States, would amount to a prohibition of duties on imports from foreign Countries, unless similar duties existed in other States. This idea was favored by the discord produced between several States by rival and adverse regulations. The evil had proceeded so far between Connecticut & Mass^{ts} that the former laid heavier duties on imports from the latter than from G. B. of which the latter sent a letter of complaint to the Executive here and I suppose to the other Executives. Without some such self-denying compact it will, I conceive be impossible to preserve harmony among the contiguous States. In the Committee of the whole^{the proposition} was combated at first on its general merits. This ground was however soon changed for that of its perpetual duration, which was reduced first to 25 years, and then to 13^{years}.
 it s adversaries Thruston and Corbin Speaker
 410 7 117 1645 421 1592 649 were the 1033 103
 1448 1185 1148 1162 1064 673 314 669 640 1174
 bitter and illiberal against Congress
 were 818 881 673 983 694 849 450 1670 173 & the
 Northern States example Thruston
 737 453 174 beyond 1426 627 1148 1162 1064 con-
 sidered it as problematical, whether it^{would} not be better to
 encourage the British than the Eastern marine
 923 1428 1289 129 812 652 974 812 394 453 723
 Braxton Smith
 793 1685 1064 and 836 410 1 366 were in the same
 sentiments absent at crisis of
 1241 406 630 but 510 1241 301 this 1027 1352
 the question
 812 799. The limitation of the plan to 13 years so far destroyed its value in the judgment of its friends that they chose rather, to do nothing than to adopt it in that form. The report according^{ly} remained on the table uncalled for to the end of the Session. And on the last day the reso-
 by Mr Tyler
 lution above quoted was substituted. It had been proposed^{by Mr Tyler}

[For cipher see
 Jefferson Papers,
 series 5, vol. XI, No.
 35.]

immediately after the miscarriage of the printed proposition, but was left on the table till it was found that several ^{propositions} ["bills" stricken out] for regulating our trade without regard to other States produced nothing. In this extremity The resolution was generally acceded to, not without the opposition however of Corbin & Smith 44 74 1352 314 669 640 673 836 410 1366. The Comrs first named were the Comrs 1032 717 701 ["and" stricken out] 1260 812 Attorney Dr Jones myself 301 976 1439 821 918 649 and 951 440. In the House of D. Tucker the Smith were added and 1094 942 1645 812 836 410 1366. In the Senate Mason Ross and Ronald 428 1179 168 7 673 168 119 707. The last does not undertake 293 188 549 1054 475.

* * * * *

J. Madison Jr to [James Monroe]

[Madison Papers,
vol. II, p. 72.]

Richmond Jan^y 22^d 1786

* * * * *

This failure of local measures in the comereial line, instead of reviving the original propositions for a general plan, revived that of M^r Tyler for the appointment of Comrs to meet Comrs from the other States on the subject of general regulations. It went through by a very great majority, being opposed only by M^r M. Smith and M^r Corbin. The expedient is no doubt liable to objections and will probably miscarry. I think however it is better than nothing, and as a recommendation of additional powers to Congress is within the purview of the Comission it may possibly lead to better consequences than at first occur. The Comrs first named were the Attorney, Doct^r W. Jones of the Senate and myself. The importunity of M^r Page

procured the addition of S^t George Tucker who is sensible, federal and skilled in Commerce; to whom was added on the motion of I know not whom M^r M. Smith who is at least exceptionable in the second quality having made unceasing war during the Session agst the idea of bracing the federal system. In the Senate a further addition was made of Col. Mason M^r D. Ross and M^r Ronald. The name of the latter was struck out at his desire. The others stand. It is not unlikely that this multitude of associates will stifle the thing in its birth. By some it was probably meant to do so. * * *

[Madison Papers,
vol. XIV p. 64]

Dan^l Carroll to [James Madison]

Annapolis March 13th 1786

Our General Assembly adjourn'd this day, ^{after} a session of 4 Months—The proposition from y^r Assembly, for a meeting of Commissioners from all the States, to adjust a general commercial System, reach'd us not long before the conclusion of the Session—Our House of Delegates propos'd Commissioners for that purpose; The measure appear'd to the Senate, tho' undoubtedly adopted by y^r Assembly with the best intentions, to have a tendency to weaken the authority of Congress, on which the Union, & consequently the Liberty, & safety of all the States depend—We had just receiv'd of the ^{the act of Congress} 15th of febr^y last—by which it appears, that Body relies solely on the States complying with their Act of the 18th of Ap^l 1783.—I am afraid the Idea of Com^{rs} meeting from all the States, on the regulations of Trade, will retard the Act of Congress from being carry'd into execution, if not entirely destroy it. The reluctant States are

very willing to lay hold of any thing [^{which} "that" stricken out] will procrastinate that measure—There are many other considerations, which I need not suggest to you—I shall only observe, that sound policy, if not the spirit of the Confederation dictates, that all matters of a general tendency, shou'd be in the representative Body of the whole, or under its authority—

* * * * *

John Jay to His Excellency General Washington

New York 16 March 1786

[Letters to Washington, vol. LXIX, p. 131.]

* * * * *

Experience has pointed out Errors in our national Government, which call for correction, and which threaten to blast the Fruit we expected from our "Tree of Liberty". The convention proposed by Virginia may do some good, and would perhaps do more, if it comprehended more objects.—An opinion begins to prevail that a general convention for revising the articles of confederation would be expedient. Whether the People are yet ripe for such a measure, or whether the System proposed to be attained by it, is only to be expected from Calamity & Commotion, is difficult to ascertain. I think we are in a delicate situation, and a variety of Considerations and Circumstances give me uneasiness. It is in contemplation to take measures for forming a general convention—the Plan is not matured—if it should be well concerted and take Effect, I am fervent in my wishes, that it may comport with the Line of Life you have marked out for yourself, to favor your country with your counsels on such an important & single occasion. I suggest this merely as a Hint for Consideration,

[Madison Papers,
vol. II, p. 73.]

J[ames] M[adison to Thomas Jefferson]

Virg^a Orange March 18th 1786

* * * * *

A Quorum of the deputies appointed by the Assembly for a Commercial Convention had a meeting at Richmond shortly after ["the" stricken out] I left it, and the Attorney tells me, it has been agreed to propose Annapolis for the place, and the first monday in Sep^r for the time of holding the Convention. It was thought prudent to avoid the neighbourhood of Congress, and the large Commercial towns, in order to disarm the adversaries to the object, of insinuations of influence from either of these quarters. I have not heard what opinion is entertained of this project at New York, nor what reception it has found in any of the States. If it should come to nothing, it will I fear confirm G. B. and all the world in the belief that we are not to be respected, nor apprehended as a nation in matters of Commerce. The States are every day giving proofs that separate regulations are more likely to set them by the ears, than to attain the common object. When Mass^{ts} set on foot a retaliation of the policy of G. B. Connecticut declared her ports free. N. Jersey served N. York in the same way. And Delaware I am told has lately followed the example in opposition to the commercial plans of Penn^a. A miscarriage of this attempt to unite the States in some effectual plan, will have another effect of a serious nature. It will dissipate every prospect of drawing a steady revenue from our imports either directly into the federal treasury, or indirectly thro' the treasuries of the Commercial States, and of consequence the former must depend^{for supplies} solely on annual requis-

tions, and the latter on direct taxes drawn from the property of the Country. That these dependencies are in an alarming degree fallacious is put by experience out of all question. The payments from the ^{States} under the calls of Congress have in no year borne any proportion to the public wants. During the last year, that is from Nov^r 1784 to ^{Nov^r} 1785, the aggregate payments, as stated to the late Assembly fell short of 400,000 doll^{rs} a sum neither equal to the interest due on the foreign debts, nor even to the current expences of the federal Government. The greatest part of this sum too went from Virg^a which will not supply a single shilling the present year. Another unhappy effect of a continuance of the present anarchy of our commerce, will be a continuance of the unfavorable balance on it, which by draining us of our metals furnishes pretexts for the pernicious substitution of paper money, for indulgences to debtors, for postponements of taxes. In fact most of our political evils may be traced up to our commercial ones, as most of our moral may to our political. The ["experience" stricken out] lessons which the mercantile interest of Europe have received from late experience will probably check their propensity to credit us beyond our resources, and so far the evil of an unfavorable balance will correct itself. But the Merchants of G. B. ["at least" ^{if no others} stricken out] will continue to credit us at least as far as our remittances can be strained, and that is far enough to perpetuate our difficulties unless the luxurions propensity of our own people can be otherwise checked. This view of our situation presents the proposed Convention as a remedial experiment which ought to command every assent; but if it be a just view it is one which assuredly will not be taken by all even of those whose intentions are good. I consider the

event therefore as extremely uncertain; or rather, considering that the States ["States" stricken out] must first agree to the proposition for sending deputies—that these must agree in a plan to be sent back to the States, and that these again must agree unanimously ["in" written upon "to"] a ratification of it, I almost despair of success. It is necessary however that something should be tried & If this be not the best possible expedient, it is the best that could possibly be carried ^{thro'} the Legislature here. And if the present crisis cannot effect unanimity, from what future concurrence of circunrences is it to be expected? Two considerations particularly remonstrate against delay. One is the danger of

[For cipher see
Jefferson Papers,
series 5, vol. XI, No
35.]

having the same ^{game} 420 · 1214 · 981 · 1359 · 1179 · 266 · 1527 · 887 ·
1318 · 952 by which, 749 · 983 · 145 · 941 · 403 · 129 · 707 ·
698 · 1352 the 869 · 353 · 157 · 174 · 1421 · 1265 · 582 · 812 ·
489 · 870 · ["to" stricken out] of the 149 · 1229 · 212 · 1352 ·
the 1507 · 576 · 1000 · 1 · 1352 · 149 · 979 · 1018 · 404 ·
50 · 1179 · 1096 · 809 · 133 · 1527 · 448 · 10 · 1267 · 925 · 525 ·
1214 · 1352 the 283 · 245 · 1352 · 473 · 567 · 1352 · 812 · 174 ·
1357 · 149 · 1081 · 824 · 1352 · 263 · 239 · 278 · 275 · The other
consideration is the probability of an early ^{increase} 149 · 210 · 1200 ·
1352 of the 1527 · 887 · 1318 · 1000 · 707 · 174 · 1287 · 416 ·
than 1455 · 324 · 761 · 957 · 406 · 1022 · 8 · 156 ·
1287 · 130 · 659 · 1495 · 1313 · 913 · 788 · 764 · the 1039 ·
1045 · 849 · 1038 · 1301 · 1241 · 145 · 664 · and 167 · 872 ·
1337 · 1527 · 757 · 1451 · 450 · 1687 · 515 · 1352 the 301 ·
234 · 507 · 133 · 174 · 974 · 515 · 1352 · 812 · 1197 · 865 · 881 ·
1470 · 567 · 1687 · 157 · 1327 ·

* * * * *

J^s Madison Jr to The Hon^{ble} James Monroe in Congress [Madison Papers,
vol. II. p. 74.]
New York

Orange 19th March 1786

* * * * *

"The Question of policy" you say "is whether it will be better to correct the vices of the Confederation, by recommendation gradually as it moves along, or by a Convention. If the latter should be determined on, the powers of the Virg^a Couⁿsrs are inadequate." If all on whom the correction of these vices depends were well informed and well disposed, the mode would be of little moment. But as we have both ignorance and iniquity to combat, we must defeat the designs of the latter by humouring the prejudices of the former. The efforts ["to make" stricken out] for bringing about a correction thro' the medium of Congress have miscarried. Let a Convention then be tried. If it succeeds in the first instance, it can ["not" stricken out] be repeated as other defects force themselves on the public attention, and as the public mind becomes prepar'd for further remedies. The Assembly here would refer nothing to Congress. They would have revolted equally against a plenipotentiary com^{is}sion to their deputies^{for the Convention}. The option therefore lay between doing what was done and doing nothing. Whether a right choice was ^{made} time only can prove. I am not in general an advocate for temporizing or partial remedies. But a rigor in this respect, if pushed too far may hazard ^{every thing} [illegible word stricken out]. If the present paroxysm of our affairs be totally neglected our case may become desperate. If ["the" stricken out] any thing comes of the Convention it will probably be of a permanent not a temporary nature, which I think will be a great point. The mind feels a peculiar com-

placency in seeing a good thing done when it is not subject to the trouble & uncertainty of ["being" stricken out]^{doing it} over again. The Commission is to be sure not filled to every man's mind. The History of it may be a subject for some future tête a tête. * * *

[Washington Papers, Letter-book 6 A, p. 35. Transcript]

G: Washington to The Marq^s de la Fayette.

Mount Vernon 10th May 1786.

* * * * *

The account of, & observations which you have made on the policy & practice of Great Britain at the other Courts of Europe, respecting these States; I was but too well informed & convinced of before. Unhappily for us, tho' their accounts are greatly exaggerated, yet our conduct has laid the foundation for them. It is one of the evils of democratical governments that the people, not always seeing & frequently mislead, must often feel before they can act right—but then evils of this nature seldom fail to work their own cure. It is to be lamented nevertheless that the remedies are so slow, & that those who may wish to apply them seasonably are not attended to before they suffer in person, in interest & in reputation. I am not without hopes that matters will soon take a favourable turn in the federal Constitution—the discerning part of the community have long since seen the necessity of giving adequate powers to Congress for national purposes; & the ignorant & designing must yield to it ere long. Several late Acts of the ^{different} Legislatures have a tendency thereto; among these, the Impost which is now acceded to by every State in the Union, (tho' cloged a little by that of New York) will enable Congress to support the national credit in pecuniary matters better than it has been; whilst a

measure, in which this state has taken the lead at its last session, will it is to be hoped give efficient powers to that Body for all commercial purposes. This is a nomination of some of its first characters to meet other Commissioners from the several States in order to consider of & decide upon such powers as shall be necessary for the sovereign power of them to act under; which are to be reported to the respective Legislatures at their autumnal sessions for, it is to be hoped, final adoption:—thereby avoiding those tedious & futile deliberations which result from recommendations & partial concurrences; at the same time that it places it at once in the power of Congress to meet European nations upon decisive & equal ground.

All the Legislatures which I have heard from, have come into the proposition, & have made very judicious appointments—much good is expected from this measure, and it is regretted by many that more objects were not embraced by the meeting. A General Convention is talked of by many for the purpose of revising & correcting the defects of the fœderal Government; but whilst this is the wish of some, it is the dread of others from an opinion that matters are not yet sufficiently ripe for such an event.

* * * * *

Ja^s Monroe to [Thomas Jefferson]

New York May 11. 1786.

[Jefferson Papers,
series 2, vol. LVII,
No. 25.]

* * * * *

Upon the subject of commerce I have nothing new to give you. The plan of a convention at Annapolis which I believe will be carried into effect, has taken the subject

from before Congress. As it originated with our State we think it our duty to promote its object by all the means in our power—of its success I must confess I have some hopes. the investigation of the subject will always be of advantage since truth[&] sound State policy in every instance will urge the commissⁿ of the power to the U. States.

* * * * *

[Madison Papers,
vol. II, p. 79.]

J^s Madison Jr. to [Thomas Jefferson]

Orange May 12, 1786

* * * * *

Most if not all the States except Maryl^d have appointed deputies for the proposed Convention at Annapolis. The refusal of Maryland to appoint proceeded as I am informed by M^r Dan^l Carrol, from a mistaken notion, that the measure would derogate from the authority of Congress, and interfere with the Revenue system of April 1783, which they have lately recomended anew to the States. There is certainly no such interference, and instead of lessening the authority^{of Congress}, the object of the Convention is to extend it over commerce. I have no doubt that on a reconsideration of the matter it will be viewed in a different light—

* * * * *

[Madison Papers,
vol. II, p. 77.]

J Madison Jr. to The Honble James Monroe Esq^r in Congress
New York

Orange May 13th 1786

* * * * *

I think with you that it would have an odd appearance for two Conventions to be sitting at the same^{time}, with powers in

part concurrent. The reasons you give seem also to be valid against augmenting the powers of that which is to meet at Annapolis. I am not surprized therefore at the embarrassment of Congress in the present conjuncture. Will it not be best on the whole to suspend measures for a more thorough cure of our federal system, till the partial experiment shall have been made. If the spirit of the Conventioners should be friendly to the Union, and their proceedings well conducted, their return into the Councils of their respective States will greatly facilitate any subsequent measures which may be set on foot [^{any of} "for" stricken out] by Congress, or by the States.

^ * * * * *

G: Washington to The Hon^e John Jay.

Mount Vernon 18th May 1786.

[Washington Papers, Letter-book 6 A, p. 45. Transcript.]

* * * * *

I coincide perfectly in sentiment with you my D^r Sir, that there are errors in our national Government which call for correction, loudly I would add; but I shall find myself happily mistaken if the remedies are at hand. We are certainly in a delicate situation, but my fear is that the people are not sufficiently mised to retract from error. To be plainer, I think there is more wickedness than ignorance mixed in our Councils. Under this impression, I scarcely know what opinion to entertain of a general convention. That it is necessary to revise & amend the articles of confederation, I entertain no doubt; but what may be the consequences of such an attempt is doubtful—Yet something must be done, or the fabrick must fall—for it certainly is tottering. Ignorance & design are difficult to combat; out of

these proceed illiberal sentiments, improper jealousies and a train of evils which oftentimes, in republican governments, must be sorely felt before they can be removed. The former, that is ignorance, being a fit soil for the latter to work in, tools are employed by them which a generous mind would disdain to use; & which nothing but time, & their own puerile or wicked productions can shew the inefficacy & dangerous tendency of. I think often of our situation & view it with concern—from the high ground we stood upon—from the plain path which invited our foot-steps—to be so fallen!—so lost! It is really mortifying; but virtue I fear has, in a great degree, taken its departure from us: & the want of disposition to do justice is the source of the national embarrassments—for whatever guise or colourings are given to them, this I apprehend is the origin of the evils we now feel, & probably shall labour under for some time yet.

[Madison Papers,
vol. XIV, p. 70.]

Will^m Grayson to [James Madison]

New York May 28th 1786.

* * * * *

M^r Monro I know has informed^{you} that a day is assigned for Congress to go into a Comm^{ee} of the whole on the state of the Nation; also for what purposes this is intended I am apprehensive this will produce nothing & that Congress will never be able to agree on the proper amendments even among themselves; the Eastern people mean nothing more than to carry the Commercial point:—there they intend to stop & would not agree if it [“was” stricken out] rested with them that Congress should have the power of preventing the States from cheating ^{one another as well as their own citizens} by means of paper money.

M^r Pinkney who brought forward the [^{motion}“proposition”
stricken out], will be astounded when he meets with a prop-
osition to prevent the States from importing any more of the
seed of Cain; N. York & Pensylvania will feel themselves
indisposed when they hear it proposed that it shall become
a national compact that the sessions shall always be held in
the centre of the Empire; how will Delawar R. Island Jersey
& some others like to vote (with respect to any new powers
granted to Congress) according to their ^{& not their supposed} real importance in
the Union? I am of opinion our affairs are not arrived at
such a crisis as to insure success to a reformation on proper
principles; a partial reformation will be fatal; things had
better remain as they are than not to probe them to the bot-
tom. if particular ^{States} gain their own particular objects, it will
place other grievances perhaps of equal importance at a
greater distance: if all are brought forward at the same time
one object will facilitate the passage of another—& by a
general compromise perhaps a good government may be pro-
cured. Under these impressions I cannot say I think it will
be for the advantage of the Union that the Convention at
Annapolis produce any thing decisive: as in this event
nothing more is to be expected from Massachusetts &c.
&c. &c.—The State of Virginia having gone thus far, it is
matter of great donbt with me whether she had not better ^{go farther & propose to the other States to}
augment the powers of the delegates so as to comprehend all
the grievances of the Union, & to combine the commercial
arrangements with them, & make them dependant on each
other; in this case her own objects ought not to be preter-
mitted; [^{among which a}“& a” stricken out] proper and liberal mode of
settling the public accounts ought not to be forgotten.

* * * * *

[Washington Papers,
Letter-book 6
A p. 76 Transcript.]

G: Washington to The Hon^e Sir, Edward Newenham.

Mount Vernon 10th June 1786.

* * * * *

Our Country is a present in peace; & measures are pursuing to give adequate powers to Congress to form such a commercial system as shall pervade equally every branch of the Union; without which we are unable to meet European powers on equal ground, & our trade with them will continue under many disadvantages.

* * * * *

[Jefferson Papers,
series 1, vol. II, No.
89. Press copy.]

[Thomas Jefferson] to M^r Carmichael.

Paris June 20. 1786.

* * * * *

I find that all the states had come into the impost except N. York whose assembly were then sitting & it was thought would adopt it. N. Hampshire, Massachusetts, Rho. isl^d, New Jersey, Delaware & Virginia have agreed to confer on Congress the regulation of their trade, & lest this disjointed method of proceeding should fail of it's effect, the latter has appointed commissioners & invited the other states to do the same to meet & settle an article of Confederation for this purpose. Virginia has declared Kentucky an independant state, provided it's inhabitants consent to it, & Congress will receive them into the union. Massachusetts has repealed so much of her navigation act as respected any foreign nation except Gr. Britain. contributions of money come slowly to the public treasury. a committee of Congress have drawn a strong report on that subject, which has produced a good effect in the states.—

* * * * *

G: Washington to The Hon^{ble} John Jay.

Mo^t Vernon 1st Aug^t 1786.

[Washington Papers, Letter-book 6 A,
p. 128. Transcript.]

* * * * *

Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be is also beyond the reach of my foresight. We have errors to correct; we have probably had too good an opinion of human nature in forming our confœderation. Experience has taught us, that men will not adopt & carry into execution, measures the best calculated for their own good, without the intervention of a coercive power. I do not conceive we can exist long as a nation without having lodged somewhere a power which will pervade the whole union in as energetic a manner, as the authority of the State Governments extends over the several States. To be fearful of investing Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity & madness. Could Congress exert them for the detriment of the public, without injuring themselves in an equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment must they not mingle frequently with the mass of Citizens? Is it not rather to be apprehended, if they were possessed of the powers before described, that the individual members would be induced to use them, on many occasions, very timidly & inefficaciously for fear of loosing their popularity and future election? We must take human nature as we find it: perfection falls not to the share of mortals. Many are of opinion that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to

the States, when they had a right to assert their imperial dignity and command obedience. Be that as it may, requisitions are a perfect nihility, where thirteen sovereign, independent disunited States are in the habit of discussing & refusing compliance with them at their option. Requisitions are actually little better than a jest & a bye word throughout the land. If you tell the Legislatures they have violated the Treaty of Peace, & invaded the prerogatives of the confederacy they will laugh in your face—What then is to be done? Things cannot go on in the same train forever. It is much to be feared, as you observe, that the better kind of people being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate & prevent disastrous contingencies, would be the part of wisdom & patriotism.

What astonishing changes a few years are capable of producing. I am told that even respectable characters speak of a monarchical form of Government without horror. From thinking proceeds speaking, thence to acting is often but a single step. But how irrevocable & tremendous! what a triumph for our enemies to verify their predictions—what a triumph for the advocates of despotism to find that we are incapable of governing ourselves, & that systems founded on the basis of equal liberty are merely ideal & fallacious! Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend.

Retired as I am from the world I frankly acknowledge I cannot feel myself an unconcerned spectator. Yet having happily assisted in bringing the Ship into Port, & having

been fairly discharged; it is not my business to embark again on a sea of troubles. Nor could it be expected that my sentiments and opinions would have much weight on the minds of my countrymen;—they have been neglected, tho' given as a last legacy in the most solemn manner:—I had then perhaps some claims to public attention—I consider myself as having none at present.

J^r Madison Jr. to [Thomas Jefferson]

[Madison Papers,
vol. II, p. 81.]

Philad^a Aug: 12th 1786

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The States which have appointed deputies to Annapolis are N. Hampshire, Mass^{ts} R. Island, N. Y. N. J. Pen^a Delaware & Virg^a Connecticut declined not from a dislike to the object, but to the idea of a Convention, which it seems has been rendered obnoxious by some internal Conventions which embarrassed the Legislative Authority. Mary^d or rather her Senate negatived an appointment because they supposed the measure might interfere with the plans or prerogatives of Cong^s N. Carolina has had no Legislative meeting since the proposition was communicated. S: Carolina supposed she had sufficiently signified her concurrence in a general regulation of trade by ["Congress" stricken out] vesting the power in Cong^s for 15 years. Georgia — — Many Gentlemen both within & without Cong^s wish to make this Meeting subservient to a plenipotentiary Convention for amending the Confederation. Tho' my wishes are in favor of such an event, yet I despair so much of its accomplishment at the present crisis that I do not extend my views beyond a Commercial Reform.

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{Monroe Papers
vol. 1 p. 1}

Ja^s Monroe to [Patrick Henry]

New York Aug^t 12. 1786.

* * * * *

This however is not the only subject of consequence I have to engage yr. attention to. Certain it is that committees are held in this town of Eastern men and others of this State upon the subject of a dismemberment of the States east the Hudson from the Union & the erection of [^{them} "it" stricken out] into a separte gov^t. To what lengths they have gone I know not, but have assurance as to the truth of the above position, with this addition to it that the measure is talk'd of in Mass: familiarly & is suppos'd to have originated there. The plan of the gov^t in all its modifications has even been contemplated by them. I am persuaded these people who are in Congress from that State (at the head of the other business) mean that as a step toward the carriage of this, as it will so displease some of them as to prepare the States for this event. I am thoroughly persuaded the gov^t is practicable & with a few alterations the best that can be devis'd. To manage our aff^{rs} to advantage under it & remedy these defects, in my opinion, nothing is wanting but common sense & common honesty—in both of w^h necessary qualifications we are, it is to be lamented, very defective. I wish much your sentiments upon these important subjects. you will necessarily consider this as under an injunction of secrecy & confide it to none in whom the most perfect confidence may not be repos'd. If any benefit may result from it I sho^d have no objection to yr. presenting it to the view of Council—of this you will judge—clearly I am of opinion it will be held connected with other objects—& perhaps with that upon which the Convention will sit at Annapolis. * * *

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J^s M.[adison] Jr to Honble James Monroe in Congress
New York

[Madison Papers,
vol. II, p. 52.]

Philad^a Aug: 15th 1786.

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I am sorry the developement of the interesting subject before Cong^r had so little ^{effect} on the members. I did not see Gen^l Sinclair, and if I had my acquaintance is too slender to have warranted my broaching a conversation with him. I have conferred freely with M^r Wilson. What his ultimate opinion may be on a full view of of the measure in its details I can not say. I think he is not unaware of strong objections ag^t it particularly as it tends to defeat the object of the Meeting at Annapolis from which he has great expectations. * * *

[The proposed
treaty with Spain.]

Th: Jefferson to [William] Carmichael.

Paris Aug. 22. 1786

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a Commercial Congress is to meet to prepare an article defining the extent of the powers over commerce which it may be expedient to give to the U. S. in Congress assembled. every state has appointed deputies to meet for this purpose, except Maryland, which declined it because they thought the established Congress might propose an article. it is thought they will still appoint, but that at any rate they will accede to what shall be done. Congress being once invested with these powers, will be the less embarrassed ^{in their system} in proportion as their hands are less tied up by engagements with other powers.

[Jefferson Papers, series 1, vol. II, No. 132. Press copy. Repeated substantially in Jefferson to Lafayette, August 24, 1786. Jefferson Papers, series 1, vol. II, No. 133. Press copy. Also in Jefferson to Barclay, August 31, 1786. Jefferson Papers, series 1, vol. II, No. 135. Press copy.]

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Madison — Papers,
vol. XIV, p. 80.]

Ja^s Monroe to [James Madison]

New York Sep^r 3. 1786.

In my last I advis'd you of the point to w^h seven States had brought the business—after repealing the instruction in part, entering the repeal affirmatively—setting aside a motion requiring the sense of Congress whether the repeal was valid so as to give a new instruction by 7. States, by the previous question, & passing an order to prevent our moving it again untill they sho^d have the same number of States on the floor, on their part the thing was complete. I inform'd you also of our propositions & the number of States for them. [^{it}“this” stricken out] was on friday last that they clos'd the business. It has been propos'd by some of the gentⁿ on ours to notify M^r Jay of the opinion of the 5. States but I think we shall not do this. he is possess'd of course of our sentiments [^{have}“already” stricken out] in the official way; to communicate them otherwise than thro the journals might an intemperate & factious appearance. we have as yet done nothing but under the constitution nor shall we I apprehend—some gentⁿ on their side hinted their determination to withdraw if the question sho^d be brought on as to the validity of the repeal. Whether we shall take any other step is undecided. I doubt the propriety of so doing further than moving for permission to transmit copies of the journals to the States for their information & instructions to their delegations—I sho^d suppose the Secr^y wo^d not proceed untill he finds himself supported by the States to whom the 7. delegations belong—upon Jersey & Pen^a then it rests—to engage their leading men is now the object—most probably he has already consulted them [^{& those of his party}“already” stricken out] but his consultations I doubt not have been

founded on partial representations—to remove their impression a view of the journals may be necessary. I consider the party especially Jay & the principal advocates as having gone too far to retreat—They must either carry the measure or be disgrac'd (as the principal already hath been by the vote of 5. States), & sooner than suffer this they will labour to break the Union. I therefore suspect they have been already (and indeed have too much reason for my suspicions) intriguing with the principal ^{men} in these States to effect that end in the last resort. They have even sought a dismemberm^t to the Potomack & those of the party here have been sounding those in office thus far. To defeat the measure therefore completely we must follow their movements & counteract them every where—advise the leading men of their designs, the purposes they are meant to serve &^{ca}—and in [“any” stricken out] event of the worst extremity prepare them for an union with the southern States—I fear some of those in Pen^a will have a contrary affection—but it must be remov'd if possible—a knowledge that she was on our side wo^d blow this whole intrigue in the air—to bring this ab^t therefore is an important object to the southern ^{interest}—If a dismemberm^t takes place that State must not be added to the eastern scale. It were as well to use force to prevent it as to defend ourselves afterwards. I consider the convention of annapolis as a most important æra in our aff^{rs}—the Eastern men be assur'd mean it as leading further than the [“meeting” stricken out] object originally comprehended. If they do not obtain that things shall be arrang'd to suit them ^{in every respect}, their intrigues will extend to the objects I have suggested above—Pen^a is their object—upon succeeding or failing with her will they gain or lose confidence—I doubt not

the emissaries of foreign countries will be on the ground. In short I do consider this convention as requiring your utmost exertions, in the change things will infallibly take, as well to obtain good as to prevent mischief—M^r Randolph will I hope devote himself to the publick upon this occasion & not suffer himself to be taken off by his professional pursuits before the convention dissolves. I write you freely without the cover of a cypher knowing you have not yours with you—indeed I fear nothing to the publick or myself from a publication—for I am satisfied if the publick were acquainted with the conduct of these unworthy servants their consequence wo^uld be of but short duration—prevail I beg of you on Col^o Mason to attend the convention—It will give him data to act on afterwards in the State.

I have always consider'd the regulation of trade in the hands of the U S. as necessary to preserve the Union—without it, it will infallibly tumble to [“peices,” stricken out] pieces—but I earnestly wish the admission of a few additional States into the confederacy in the southern scale.

[Hamilton Papers, vol II, p. 193.] Thomas Cushing Fra Dana Sam^l Breck to The Gentlemen
Commissioners for New York

New York, Sep^r 10. 1786

Understanding on our arrival in this City last Fryday evening, that you had gone on for the Convention at Annapolis the week past, we take the Liberty to acquaint you and beg you to communicate to the Convention if it should be opened before we arrive there, that we shall set off from this Place to morrow to join them, as Commissioners from the State of Massachusetts, which we hope to do in the

course of this week. The Commissioners from Rhode Island were to sail from thence for this City on the 7th Instant; so that they may be expected soon after us.

Js. M.[adison] Jr to The Honble James Monroe Esq^r in [Madison Papers, vol. II, p. 53.]
Congress N. York

Annapolis Sep^r 11. 1786

I have two letters from you not yet acknowledged, one of the 1st the other of the 3^d inst: Nothing could be more distressing than the issue of the business stated in the latter. If the affirmative vote of 7 States s^d be pursued it will add the insult of trick to the injury of the thing itself. Our prospect here makes no amends for what is done with you. Delaware N. J. & V^t alone are on the ground, two Commiss^{rs} attend from N. Y. & one from P^a Unless the sudden attendance of a much ^{more} respectable number takes place it is proposed to break up the Meeting with a recommendation of another time & place, & an intimation of the expediency of extending the plan to other defects of the Confederation.

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John Dickinson Chairman to His Excellency The President of Congress. [The Papers of the Continental Congress, No. 78, vol. VIII, p. 187. Enclosure, id., p. 191.]

Annapolis, September 14th, 1786

Agreeably to the request of the Commissioners assembled at this place, I do myself the Honor to transmit to your Excellency, a Copy of their Report to the Legislatures of those States by whom they were appointed. [For the Report, see Doc. Hist., vol. I, p. 1.]

[INDORSEMENT.]

Read 20 Sept 1786.—Referred Oct^r 11th 1786—to Grand Comm^{ee}—M^r Dane—M^r ["Varnum" written on "Miller"]—
 ["M^r Sturges" stricken out] M^r S. M Mitchell—M^r Smith—
 M^r Cadwallader ["M^r Pettit" stricken out] M^r Irwine—
 ["M^r Henry—M^r Carrington" stricken out] M^r Grayson—M^r Bull—M^r Few—sub. Com^{ee} M^r Grayson—M^r Few—M^r Mitchell, Connect^t

[The Papers of the
 Continental Congress
 No. 78, vol.
 XIX, p. 554.]

Geo: Read to The Honble Cha^s Thompson Sec^{ry} of Congress.
 New Castle October 7th 1786.

I had your Letter of the 29th of June last with it's inclosure. The Resolves of The United States in Congress assembled, authorising and directing the Judges of the Court of Appeals in the Causes which have been or may be brought before them to sustain Appeals and grant Rehearings or new Trials where justice and right might require it—and for the assembling of that Court on the first Monday in November next, in a reasonable time after it was transmitted from your Office; but the Legislature of this State previous thereto having adopted the proposition originally made by the Legislature of Virginia for a Convention of Commissioners of the nomination of the respective States of America to meet at Annapolis for the purpose of forming a ["commercial" stricken out] System of commercial regulations calculated for the Union, and having named me as one of it's Commissioners for that meeting, I apprehended any Answer I cou'd make to your address and information respecting my attendance at New York at the time fixed would much depend upon the result of such Convention of Commissioners, for altho true it is That The Honble the Congress had right to a preference of attendance yet I did conceive the great impor-

tance of the business held out for the proposed Convention might in the opinion of that hon^{ble} body be a proper subject of excuse for the Non-attendance of an individual Member of their Court of Appeals, in case the proceedings to be had at the Convention should render his attendance necessary elsewhere than at New York at the time prefixed; and as that meeting of Commissioners was but a partial one and they having recommended to their respective States a further Appointment with enlarged powers, I have thought it might be useful, and necessary for me as the sole attending Commissioner that had a Seat in the Legislative Council of this State to be at the next Session of the general Assembly thereof, as well for laying the result of the Meeting at Anapolis before them, as personally to state and urge the reasons which induced that unanimous Opinion expressed in the report in favour of a future appointment of Commissioners with enlarged powers, and now more especially as a majority of the late returned Members in the several Counties of the State for the House of Assembly are new ones, and therefore it is that I now through you request of The Hon^{ble} the United States in Congress an indulgence of time for my Attendance in the Court of Appeals at New York until the latter end of the Month of November or beginning of December by which time I do expect that the ensuing Session of the general Assembly of this State will certainly End.

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H Knox to His Excellency Gen^l Washington.

New York 23 October 1786—

[Letters to Washington, vol. LXX, p. 72.]

* * * * *

Our political machine constituted of thirteen independent sovereignties, have been constantly operating against each other, and against the federal head, ever since the

peace—The powers of Congress are utterly inadequate to preserve the balance between the respective States, and oblige them to do those things which are essential to their own welfare, and for the general good. The human mind in the local legislatures seems to be exerted, to prevent the federal constitution from having any beneficial effects. The machine works inversely to the public good in all its parts. Not only is State, against State, and all against the federal head, but the States within themselves possess the name only, without having the essential concomitant of government, the power of preserving the peace; the protection of the liberty and property of the citizens

On the first impression of Faction and licentiousness the fine theoretic government of Massachusetts has given way, and its laws arrested and trampled under foot. Men at a distance, who have admired our systems of government, unfounded in nature, are apt to accuse the rulers, and say that taxes have been assessed too high and collected too rigidly—This is a deception equal to any that has hitherto been entertained. It is indeed a fact, that high taxes are the ostensible cause of the commotions, but that they are the real cause is as far remote from truth as light from darkness. The people who are the insurgents have never paid any, or but very little taxes—But they see the weakness of government: They feel at once their own poverty, compared with the opulent, and their own force, and they are determined to make use of the latter, in order to remedy the former. Their creed is “That the property of the United States, has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he that attempts opposition to this creed is an

enemy to equity and justice, and ought to be swept from off the face of the earth." In a word they are determined to annihilate all debts public and private and have agrarian Laws, which are easily effected by the means of unfunded paper money which shall be a tender in all cases whatever—

The numbers of these people may amount in Massachusetts to about one fifth part of several populous counties, and to them may be collected, people of similar sentiments, from the states of Rhode Island, Connecticut and New Hampshire so as to constitute a body of 12 or 15000 desperate & unprincipled men—They are chiefly of the young and active part of the community, more easily collected than perhaps kept together afterwards—But they will probably commit overt acts of treason which will compel them to embody for their own safety—once embodied they will be constrained to submit to discipline for the same reason. Having proceeded to this length for which they are now ripe, we shall have a formidable rebellion against reason, the principle of all government, and the very name of liberty. This dreadful situation has alarmed every ^{man} of principle and property in New England. They start as from a dream, and ask what has been the cause of our delusion? what is to afford us security against the violence of lawless men? Our government must be braced, changed, or altered to secure our lives and property. We imagined that the mildness of our government and the virtue of the people were so correspondent, that we were not as other nations requiring brutal force to support the laws—But we find that we are men, actual men, possessing all the turbulent passions belonging to that anim[
end of line] and that we must have a government proper and adequate for him. The people of Massa-

chuse[^{end of line}] for instance, are far advanced in this doctrine, and the men of reflection, & principle, are determined to endeva[^{end of line}] to establish a government which shall have the power to protect them in their lawful pursuits, and which will be efficient in all cases of internal commotions or foreign invasions—They mean that liberty shall be the basis, a liberty resulting from the equal and firm administration of the laws. They wish for a general government of unity as they see the local legislatures, must naturally and necessarily tend to retard and frustrate all general government.

We have arrived at that point of time in which we are forced to see our national humiliation, and that a progression in this line, cannot be productive of happiness either public or private—something is wanting and something must be done or we shall be involved in all the horror of faction and civil war without a prospect of its termination—Every tried friend to the liberties of his country is bound to reflect, and to step forward to prevent the dreadful consequences which will result from a government of events—Unless this is done we shall be liable to be ruled by an arbitrary and capricious armed tyranny, whose word and will must be law. ♡

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[Letters to Washington, vol. LXX p. 81. Madison Papers, vol. II p. 57. Copy.]

Js. Madison Jr. to Gen^l Washington

Richmond Nov^r 1. 1786.

I have been here too short a time as yet to have collected fully the politics of the Session. In general appearances are favorable. On the question for a paper emission the measure was this day rejected in emphatical terms by a majority of

84 vs 17. The affair of the Mississippi is but imperfectly known. I find that its influence on the federal spirit will not be less than was apprehended. The Western members will not be long silent on the subject. I inculcate a hope that the views of Congress may yet be changed, and that it would be rash to suffer the alarm to interfere with the policy of amending the Confederacy. The sense of the House has not yet been tried on the latter point. The Report from the Deputies to Annapolis lies on the Table, and I hope will be called for before the business of the ["business" stricken out] Mississippi begins to ferment. * * *

G: Washington to James Madison jun^r Esq^r

Mount Vernon 5th Nov^r 1786.

[Washington Papers, Letter-book 6
A, p. 202, Transcript]

I thank you for the communications in your letter of the 1st inst:—The decision of the House on the question respecting a paper emission, is portentous, I hope, of an auspicious session. It certainly may be classed with the important questions of the present day, and merited the serious attention of the Assembly. Fain would I hope that the great & most important of all subjects,—the Fœderal Government, may be considered with that calm & deliberate attention which the magnitude of it so critically & loudly calls for. Let prejudices, unreasonable jealousies & local interests, yield to reason & liberality. Let us look to our national character, & to things beyond the present moment. No morn ever dawned more favourably than ours did; & no day was ever more clouded than the present. Wisdom & good examples are necessary at this time to rescue the political machine from the impending storm,—Virginia has now an opportunity to

set the latter, & has enough of the former I hope to take the lead in promoting this great & arduous work. Without some alteration in our political creed, the superstructure we have been seven years in raising, at the expence of so much treasure & blood, must fall. We are fast verging to anarchy & confusion.

By a letter which I have just received from Gen^l Knox, who had just returned from Massachusetts, whither he had been sent by Congress consequent of the Commotions in that State, is replete with melancholy accounts of the temper & designs of a considerable part of that people. Among other things he says,—

“their creed is, that the property of the United States, has “been protected from the confiscation of Britain by the joint “exertions of all, & therefore ought to be the common property “of all. And he that attempts opposition to this creed, is an “enemy to equity & justice, & ought to be swept from off the “face of the Earth.”—Again—“they are determined to annihilate all debts, public & private, and have agrarian Laws, “which are easily effected by the means of unfunded paper “money, which shall be a tender in all cases whatever.”—He adds, “the number of these people amount in Massachusetts, to about one fifth part of several populous counties, & “to them may be collected people of similar sentiments from “the States of Rhode-Island, Connecticut & New-Hampshire, “so as to constitute a body of about 12 or 15,000 desperate & “unprincipled men. They are chiefly of the young & active “part of the community.”—

How melancholy is the reflection, that in so short a space we should have made such large strides towards fulfilling the predictions of our transatlantic foes!—“Leave them to them-

selves, & and their government will soon dissolve."—Will not the wise & good strive hard to avert this evil? or will their supineness suffer ignorance, & the arts of self-interested, designing, disaffected & desperate characters to involve this great country in wretchedness & contempt? What stronger evidence can be given of the want of energy in our government, than these disorders? If there is not power in it to check them, what security has a man for life, liberty or property?—To you I am sure I need not add aught on this subject.—The consequences of a lax, or inefficient government, are too obvious to be dwelt on. Thirteen sovereignties pulling against each other, & all tugging at the fœderal head; will soon bring ruin on the whole:—whereas a liberal & energetic constitution well checked, & well watched to prevent encroachments, might restore us to that degree of respectability & consequence, to which we had the fairest prospect of attaining.

Js. Madison Jr to Gen^l Washington

Richm^d Nov^r 8th 1786

[Letters to Washington, vol. LXX, p. 43. Madison Papers, vol. II, p. 88. Copy.]

I am just honoured with your favor of the 5th inst: The intelligence from Gen^l Knox is gloomy indeed, but is less so than the colours in which I had it thro' another channel. If the lessons which it inculcates should not work the proper impressions on the American public, it will be a proof that our case is desperate. Judging from the present temper and apparent views of our Assembly, I have some ground for leaning to the side of Hope. The vote against paper money has been followed by two others of great importance. By one of them sundry petitions for applying a scale of depreciation to the Military Certificates was unanimously rejected.

By the other the expediency of complying with the Recommendation from Annapolis in favor of a general revision of the federal system was unanimously agreed to. A bill for the purpose is now depending and in a form which attests the most federal spirit. As no opposition has been yet made and it is ready for the third reading, I expect it will soon be before the public. It has been thought advisable to ["take up" ^{give} stricken out] this subject a very solemn dress, and all the weight which could be derived from a single State. This idea will also be pursued in the selection of characters to represent Virg^a in the federal Convention. You will infer our earnestness on this point ["by" ^{from} ^ stricken out] the liberty which will be used of placing your name at the head of them. How far this liberty may correspond with the ideas by which you ought to be governed will be best decided where it must ultimately be decided. In every event it will assist powerfully in marking the zeal of our Legislature, and its opinion of the magnitude of the occasion. * * *

Letters to Washington, vol. LXX, p. 95.

D^d Stuart to [George Washington]

Richmond 8th Nov^r—86

It gives me much pleasure to inform you, of the very auspicious manner, in which the serious entrance on business this Session, has been marked.—

* * * * *

From the progress made to-day in two acts, one for immediately empowering Commissioners, to meet, for the purpose of fixing on similar taxes, on imported articles; with the States of Mary^d & Pennsylvania; and the other, agreeable

to the recommendation of the Commissioners at Annapolis, there can be little doubt of their ultimately passing—The subject of the latter Commission, the amending the articles of the Confederation, is important and delicate, but absolutely necessary—From some conversation with M^r Madison on this business, I have reason to think, you will be requested to act in it— * * *

G: Washington to M^r Bushrod Washington.

[Washington Papers, Letter-book 6
A, p. 221. Transcript.]

Mount Vernon 15th Nov^r 1786.

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Among the great objects which you took into consideration at your meeting in Richmond, how comes it to pass that you never turned your eyes to the inefficacy of the Fœderal Government, so as to instruct your Delegates to accede to the Propositions of the Comm^{rs} at Annapolis; or to devise some other mode to give it that energy which is necessary to support a national character? Every man who considers the present constitution of it, & sees to what it is verging, trembles. The fabrick which took nine years at the expence of much blood & treasure, to rear, now totters to the foundation, & without support must soon fall.

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G: Washington to James Madison Ju^r Esq^r

[Washington Papers, Letter-book 6
A, p. 228. Transcript. Substantially repeated in Washington to Bland, November 18, 1786. Washington Papers, Letter-book 6
A, p. 225. Transcript. Also in Washington to Stuart, November 19, 1786. Washington Papers, Letter-book 6
A, p. 232. Transcript.]

Mount Vernon 18th Nov^r 1786.

Not having sent to the Post Office with my usual regularity, your favor of the 8th did not reach me in time for an earlier acknowledgment than of this date.

It gives me the most sensible pleasure to hear that the

Acts of the present Session, are marked with wisdom, justice & liberality. They are the palladium of good policy, & the only paths that lead to national happiness. Would to God every State would let these be the leading features of their constituent characters: those threatening clouds which seem ready to burst on the Confederacy, would soon dispel.—The unanimity with which the Bill was received, for appointing Commissioners agreeably to the recommendation of the Convention at Annapolis; and the uninterrupted progress it has met with since, are indications of a favourable issue. It is a measure of equal necessity & magnitude; & may be the spring of reanimation.

Altho' I have bid a public adieu to the public walks of life, & had resolved never more to tread that theatre; yet, if upon an occasion so interesting to the well-being of the confederacy it should have been the wish of the Assembly that I should have been an associate in the business of revising the federal System; I should, from a sense of the obligation I am under for repeated proofs of confidence in me, more than from any opinion I should have entertained of my usefulness, have obeyed its call;—but it is now out of my power to do this with any degree of consistency—the cause I will mention.

I presume you heard Sir, that I was first appointed, & have since been rechosen President of the Society of the Cincinnati;—& you may have understood also that the triennial Gen^l Meeting of this body is to be held in Philad^a the first monday in May next. Some particular reasons combining with the peculiar situation of my private concerns; the necessity of paying attention to them; a wish for retirement & relaxation from public cares, and rheumatic

pains which I begin to feel very sensibly, induced me on the 31st ult^o to address a circular letter to each State society informing them of my intention not to be at the next Meeting, & of my desire not to be chosen ^{re-}President. The Vice President is also informed of this, that the business of the Society may not be impeded by my absence. Under these circumstances it will readily be perceived that I could not appear at the ^{same} time & place on any other occasion, without giving offence to a very respectable & deserving part of the Community—the late officers of the American Army.

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Will^m Grayson to [James Madison]

[Madison Papers
vol. XIV p. 95.]

N. York 22nd Nov. 1786.

* * * * *

The affair of the Mississippi hangs at present in suspense: I rather think nothing has been done in it: the M. Bay delegation have been more on the conciliatory plan, since the late insurrections in that State: they I believe depend greatly on the fœderal aid, of course wish ["for" stricken out] not only for a continuance of y^e confederation, but that it may be made more adequate to the purposes of government.

I am sorry to inform you, that it is the belief of people here well informed that this insurrection threatens the most serious consequences; and that the objects are more extensive than the mere stopping the Courts of justice: it is supposed that Vermont is leagued with them, and that they are secretly supported by emissaries of a certain nation; as to this latter conjecture, I have heard no satisfactory proof

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[The Papers of the Continental Congress, No. 71, vol. II p. 461.]

Edm: Randolph to His excellency the president of Congress.

Richmond December 1st 1786

[Enclosure, a print for the Act, which passed the House of Delegates November 17, 1786, and the Senate November 23, 1786, see Doc. Hist. of the Const. of U. S. A., vol. I, p. 267.]

I obey with the most sincere pleasure the instruction of the Legislature to transmit to your Excellency the inclosed Act.

[Madison Papers, vol. II p. 92.]

J^s M.[adison] Jr. to [Thomas Jefferson]

Richm^d Dec^r 4. 1786.

* * * * *

The recommendation from the Meeting at Annapolis of a plenipotentiary Convention in Philad^a in May next has been well rec^d by the Assembly here. Indeed the evidence of dangerous defects in the Confederation has at length proselyted the most obstinate adversaries to a reform. The unanimous sanction given by the Assembly to the inclosed compliance with the Recommendation marks sufficiently the revolution of sentiment which the experience of one year has effected in this Country. The deputies are not yet appointed. It is expected that Gen^l Washington, the present Gov^r E. Randolph Esq^r & the late one M^r Henry will be of the number.

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[Newspaper clipping.]

[ENCLOSURE.]

In the HOUSE of DELEGATES, Friday, the 3d of Nov. 1786.

* * * * *

Resolved unanimously, That an act ought to pass, in conformity to the report of the Commissioners assembled at Annapolis on the 14th of September last, for appointing Commissioners on the part of this State, to meet Commis-

sioners on the part of the other States, in Convention at Philadelphia, on the second Monday in May next, with powers to devise such further provision as shall appear to them necessary to render the constitution of the fæderal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as when agreed to by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Extract from the Journal,

JOHN BECKLEY, C. H. D.

Edm: Randolph to George Washington Esq.

[Letters to Washington, vol. LXX, p. 143.]

Richmond December 6th 1786.—

By the inclosed Act you will readily discover, that the Assembly are alarmed at the Storms, which threaten the United States. What our enemies have foretold, seems to be hastening to its accomplishment; and cannot be frustrated but by an instantaneous zealous & steady Union among the friends of the fæderal Government: To you I need not press our present dangers. The inefficiency of Congress you have often felt in your Official Character: the increasing langour of our associated republics you hourly see: and a dissolution would be I know to you a source of the deepest mortification.

[For enclosures see Doc. Hist. of the Const. of U. S. A., vol. I, pp. 26 to 29.]

I freely then intreat you to accept the Unanimous appointment of the General Assembly, to the Convention at Philadelphia. For the gloomy prospect still admits one ray of hope, that those, who began, carried on & consummated the revolution, can yet rescue America from the impending ruin.

[Madison Papers,
vol. II, p. 93. Copy.]

J.[ames] M.[adison] to G.[eorge] W.[ashington]

Richmond Dec^r 7. 1786

Notwithstanding the communications in your favor of the 18th ult^o, which has remained till now unacknowledged, it^s was the opinion of every judicious friend whom I consulted, that your name could not be spared from the Deputation to the Meeting in May at Philadelphia. It was supposed in the first place, that the peculiarity of the Mission, and its acknowledged pre-eminence over every other public object, may possibly reconcile your undertaking it, with the respect which is justly due, & which you ^{wish} to pay to the late officers of the Army; and in the second place, that although you should find that or any other consideration an obstacle to your attendance on the service, the advantage of having your name in the front of the appointment, as a mark of the earnestness of Virg^a and an invitation to the most select characters from every part of the Confederacy, ought at all events to be made use of. In these sentiments, I [^{own} "own" stricken out] I fully concurred, and flatter myself that they will at least apologize for my departure from those held out in your letter. I even flatter myself that they will merit a serious consideration with yourself, whether the difficulties which you enumerate ought not to give way to them.

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[Madison Papers,
vol. XIV, p. 99. Jef-
ferson Papers, series
1, vol. II, No. 177.
Press copy.]

Th: Jefferson to [James Madison]

Paris Dec. 16. 1786.

* * * * *

I find by the public papers that your Commercial Convention failed in point of representation. if it should produce a full meeting in May, and a broader reformation, it will still

be well. to make us one nation as to foreign concerns, & keep us distinct in Domestic ones, [^{gives} "is" stricken out] the outline of the proper division of powers between the general & particular governments. but to enable the Federal head to exercise the powers given it, to best advantage, it should be organised, as the particular ones are, into Legislative, Executive & Judiciary. the 1st & last are already separated. the 2^d should also be. when last with Congress, I often proposed to members to do this by making of the Committee of the states, an Executive commee during the recess of Congress, and during it's sessions to appoint a Committee to receive & dispatch all executive business, so that Congress itself should meddle only with what should be legislative. but I question if any Congress (much less all successively) can have self-denial enough to go through with this distribution. the distribution should be imposed on them then.

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G: Washington to James Madison jun^r Esquire

Mount Vernon 16th Dec^r 1786.

[Washington Papers, Letter-book 6
A, p. 276. Transcript]

* * * * *

Besides the reasons which were assigned in my circular letter to the several State societies of the Cincinnati for my non-attendance at the next general meeting to be holden at Philad^a on the first monday in May next, there existed one, of a political nature, w^{ch} operated stronger on my mind than all the others, & which in confidence, I will now communicate to you.

When this Society was first formed, I am persuaded not a member of it conceived that it would give birth to those

jealousies or be charged with these dangers, real or imaginary, with which the minds of many, & of some respectable characters in these States seemed to be agitated. The motives which induced the officers to enter into it, were, I am positive, truly & frankly recited in the Institution; one of which, & the principal, was to establish a charitable fund for the relief of such of their compatriots—the widows & descendants of them, as were fit objects for such support, & for whom no provision had been made by the public. But the Trumpet being sounded, the alarm was spreading far & wide;—I readily perceived therefore that, unless a modification of the plan could be effected, (to annihilate the Society altogether was impracticable on account of the foreign officers who had been admitted) irritations would arise, which would soon draw a line between the Society & their fellow citizens. To avoid this—to conciliate the affections, & to convince the world of the purity of the plan; I exerted myself, & with much difficulty effected the changes which appeared in the recommendation that proceeded from the Gen^l meeting to those of individual States;—but the accomplishment of it was not easy; and I have since heard that whilst some States have acceded to the recommendation, others are not disposed to do so—alleging that unreasonable prejudices, & ill founded jealousies ought not to influence a measure laudable in its institution, & salutary in its objects & operation.

Under these circumstances it may readily be conceived that the part I should have had to have acted, would have been delicate. On the one hand I might be charged with dereliction of the officers who had nobly supported me, & had even treated me with uncommon attention & attachment. On the other with supporting a measure incom-

patable with republican principles. I thought it best therefore without assigning this (the principal) reason, to decline the Presidency & to excuse my attendance on the ground, which is firm & just, of necessity of attending to my private concerns, & in conformity to my determination of spending the remainder of my days in a state of retirement—& to indisposition occasion'd by rheumatic complaints, with which at times I am a good deal afflicted; professing at the same time my entire approbation of the institution as altered, & the pleasure I feel at the subsidence of those jealousies which have yielded to the change—presuming on the general adoption of them.

I have been thus particular to shew that under circumstances like these, I should feel myself in an awkward situation to be in Philadelphia on another public occasion, during the sitting of this society. That the present moment is pregnant of great, and strange events, none who will cast their eyes around them can deny; & what may be brought forth between this and May, to remove the difficulties which at present labour in my mind, against the acceptance of the honor which has lately been conferred on me by the assembly, is not for me to predict; but I should think it incompatible with that candour which ought to characterise an honest mind not to declare, that under my present view of the matter, I should be too much embarrassed by the meeting of these two bodies in the same place at the same moment, (after what I have written) to be easy in my situation; & therefore that it would be improper to let my appointment stand in the way of another. Of this, you who have had the whole matter before you will judge; for having received no other than private intimation of my election, and

unacquainted with the formalities which are or ought to be used on these occasions, silence may be deceptive, or considered as disrespectful:—the imputation of both or either I would wish to avoid. This is the cause of the present disclosure to you immediately upon my receipt of your letter, which has been locked up by ice, for I have had no communication with Alexandria these eight days.

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[Madison Papers,
vol. XIV, p. 100.]

Ed. Carrington to [James Madison]

New York Dec^r 18. 1786

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The business of a convention is well brought forward by Virginia, and I hope their act will be generally adopted,—the dereliction of Massachusetts is, however, to be apprehended. the delegation of that State prevented the recommendation of the Congress, as suggested by the deputations at Annapolis, and advised its non adoption in their Legislature. the effect of this advice, I have not been informed of, but the natural supposition is, that nothing was done in the late session, and there will not be another, before the time proposed for the convention of the deputies. the reasons given by these Gentlemen for their opposition are, that the mode of amending the confederation is provided by the Act itself—Amendments, are to, originate with Congress, and, be agreed to by the States, and that it would derogate from the dignity and weight of that body, to take a secondary position in the business. this is an elevated idea, and, in an efficient sovereignty, would be a wise one. the truth is, we have not a government to wield and correct, but must pursue the most certain means for obtaining one. * * *

D^d Stuart to [George Washington]

[Letters to Washington, vol. LXX, p. 165.]

19th Dec^r—86

* * * * *

I need not, I suppose, inform you, of your being appointed to the Convention to be held at Philadelphia—It appeared to be so much the wish of the House, that M^r Maddison conceived, it might probably frustrate the whole scheme, if it was not done—As it was however intimated, that from many circumstances in your situation, it might be impossible for you to attend, you will have a fair opening for an exense, if at the time, you should still think it inconvenient, or incompatible with what has happened, respecting the Society of the Cincinnati—The original imperfection of the federal union, and it's present tottering state, may perhaps at that time, present themselves in such a point of view, as to supersede every objection—

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Js. Madison J^r to James Monroe Esq^r Fredericksburg

[Madison Papers vol. II p. 96.]

Richm^d Dec^r 21. 1786.

* * * We hear nothing from any of the other States on the subject of ^{the} federal Convention. The ice seems to have interecepted totally the Northern communication for a considerable time past. * * *

G: Washington to His Excell^y Edm^d Randolph.

[Washington Papers, Letter-book 6 A, p. 253. Transcript.]

Monnt Vernon 21st Dec^r 1786.

I had not the honor of receiving your Excellency's favor of the 6th with its enclosure, 'till last night.

Sensible as I am of the honor conferred on me by the general Assembly of this Commonwealth, in appointing me one of the Deputies to a Convention proposed to be held in the City of Philadelphia in May next, for the purpose of revising the fœderal Constitntion; and desirous as I am on all occasions of testifying a ready obedience to the calls of my Country—yet Sir, there exist at this moment, circumstances which I am persuaded will render this fresh instance of confidence incompatible with other measures which I had previously adopted, & from which seeing little prospect of disengaging myself, it would be disingenuous not to express a wish that some other character, on whom greater reliance can be had, may be substituted in my place, the probability of my non-attendance being too great to continue my appointment.

As no mind can be more deeply impressed than mine is with the critical situation of our affairs, resulting in a great measure from the want of efficient powers in the fœderal head & due respect to its ordinances, so consequently those who do engage in the important business of removing these defects, will carry with them every good wish of mine, which the best dispositions towards the obtainment, can bestow.

[Jefferson Papers,
series 2, vol. LXXXIV,
No. 8.]

G W[ythe] to T J[efferson]

Williamsburgh 22 decemb. 1786

Lest a letter, which, a few days ago, i wrote to you, should not come to your hands, i now write this, to entreat, that you will let us have your thoughts on the confederation of the american states, which is proposed to be revised in the summer following. * * *

J.[ames] M.[adison] to G.[eorge] W.[ashington]

[Madison Papers,
vol. II, p. 97. Copy.]Richmond Dec^r 24. 1786

Your favor of the 16th instant came to hand too late on Thursday evening to be answered by the last mail. I have considered well the circumstances which it confidentially discloses, as well as those contained in your preceding favor. The difficulties which they oppose to an acceptance of the appointment in which you are included can as little be denied, as they can fail to be regretted. But I still am inclined to think that the posture of our affairs, if it should continue, would prevent every criticism on the situation which the cotemporary meetings would place you in; and that at least a door could be kept open for your acceptance hereafter, in case the gathering clouds should become so dark & menacing as to supersede every consideration, but that of our national existence or safety. A suspense of your ultimate determination would be no wise inconvenient in a public view, as the Executive are authorized to fill vacancies; and can fill them at any time; and in any event three out of seven deputies are authorized to represent the State. How far it may be admissible in another view, will depend perhaps in some measure on the chance of your finally undertaking the service; but principally on the correspondence which is now passing on the subject between yourself and the Governor.

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[Jefferson Papers,
series 1, vol. II, No
188. Press copy.]

Th: Jefferson to M^r Carmichael

Paris Dec. 26. 1786.

* * * * *

the Commercial convention at Annapolis was not full enough to do business. they found too their appointments too narrow, being confined to the article of Commerce. they have proposed a meeting at Philadelphia in May, and that it may be authorized to propose amendments of whatever is defective in the federal constitution.

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[Washington Papers,
Letter-book 6
A, p. 286. Transcript.]

G: Washington to Col^o David Humphreys.

Monnt Vernon 26th Dec^r 1786.

* * * * *

I had scarcely dispatched my circular letters to the several State Societies of the Cincinnati, when I received letters from some of the principal members of our Assembly expressing a wish that they might be permitted to name me as one of the Deputies of this State to the Convention proposed to be held at Philadelphia the first of May next. I immediately wrote to my particular friend M^r Madison (& gave similar reasons to the others) the answer contained in the extract N^o 1.—in reply I got the extract N^o 2.—This obliged me to be more explicit & confidential with him on points which a recurrence to the conversations we have had on this subject will bring to your mind & save me the hazard of a recital of in this letter. Since this interchange of letters I have received from the Governor the letter N^o 4— & have written N^o 5 in answer to it. Should this matter be further pressed, (which I hope it will not, as I have no incli-

nation to go) what had I best do? You as an indifferent person, and one who is much better acquainted with the sentiments & views of the Cincinnati than I am; (for in this State where the recommendations of the Gen^l Meeting have been agreed to hardly any thing is said about it) as also of the temper of the people & state of politics at large, can determine upon better ground and fuller evidence than myself; especially as you have opportunities of knowing in what light the States to the Eastward consider the Convention, & the measures they are pursuing to contravene, or to give efficiency to it. On the last occasion, only five States were represented—none East of New York. Why the N^w England Governments did not appear, I am yet to learn; for of all others the distractions & turbulent temper of these people would, I shou'd have thought, have afforded the strongest evidence of the necessity of competent powers somewhere. That the Fœderal Government is nearly, if not quite at a stand, none will deny—the first question then is, shall it be annihilated or supported? If the latter, the proposed convention is an object of the first magnitude, & should be supported by all the friends of the present Constitution. In the other case, if on a full and dispassionate revision thereof, the continuance shall be adjudged impracticable or unwise as only delaying an event which must 'ere long take place—would it not be better for such a Meeting to suggest some other, to avoid if possible civil discord or other impending evils? I must candidly confess as we could not remain quiet more than three or four years (in time of peace) under the Constitutions of our own choosing; which it was believed, in many States at least, were formed with deliberation and wisdom, I see

little prospect either of our agreeing upon any other, or that we should remain long satisfied under it if we could. Yet I would wish anything, & everything essayed to prevent the effusion of blood, & to avert the humiliating & contemptible figure we are about to make in the annals of mankind.

If this second attempt to convene the States for the purposes proposed by the report of the partial representation at Annapolis in September, should ^{also} prove abortive, it may be considered as an unequivocal evidence that the States are not likely to agree on any general measure which is to pervade the union, & of course that there is an end of Fœderal Government. The States therefore which make the last dying essay to avoid these misfortunes, would be mortified at the issue, & their deputies would return home chagrined at their ill success & disappointment. This would be a disagreeable circumstance for any one of them to be in, but more particularly so for a person in my situation. If no further application is made to me, of course I do not attend—if there is, I am under no obligation to do it, but as I have had so many proofs of your friendship—know your abilities to judge, and your opportunities of learning the politics of the day, on the points I have enumerated, you would oblige me by a full & confidential communication of your sentiments thereon.

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[Washington Papers, Letter-book 6A, p. 24. Transcript.]

G: Washington to Maj^r Gen^l Knox.

Mo^t Vernon 26th Dec^r 1786.

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I feel, my d^r Gen^l Knox, infinitely more than I can express to you, for the disorders which have arisen in these

States. Good God! who besides a tory could have foreseen—or a Briton predicted them. Were these people wiser than others? Or did they judge of us from the corruption & depravity of their own hearts? The latter I am persuaded was the case, and that notwithstanding the boasted virtue of America, we are very little, if anything, behind them in dispositions to every thing that is bad. I do assure you, that even at this moment when I reflect upon the present prospect of our affairs, it seems to me to be like the vision of a dream. My mind can scarcely realize it as a thing in actual existence—so strange—so wonderful does it appear to me. In this, as in most other matters, we are too slow. When this spirit first dawned, probably it might easily have been checked; but it is scarcely within the reach of human ken, at this moment, to say when, where, or how it will terminate. There are combustibles in every State, which a spark might set fire to. In this a perfect calm prevails at present; & a prompt disposition to support & give energy to the federal system, is discovered, if the unlucky stirring of the dispute respecting the navigation of the Mississippi does not become a leaven that will ferment & sour the mind of it. The Resolutions of the present Session respecting a paper emission, Military Certificates &c, have stamped justice & liberality on the proceedings of the Assembly. By a late act it seems very desirous of a general Convention to revise & amend the federal constitution. Apropos—what prevented the Eastern States from attending the September meeting at Annapolis? Of all the States in the Union it should have seemed to me that a measure of this sort (distracted as they were with internal commotions, & experiencing the want of energy in government) would

have been most pleasing to them. What are the prevailing sentiments of the one now proposed to be held in Philadelphia in May next—& how will it be attended? You are at the fountain of intelligence, & where the wisdom of the nation, it is to be presumed, is concentrated; consequently better able (as I have had sufficient experience of your intelligence, confidence & candour) to solve these questions.

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[Letters to Washington, vol. LXIX, p. 12.]

Edm: Randolph to [George Washington]

Richmond Jan^y 4. 1786.

* * * * *

before the council

Altho' I was compelled by duty to lay your answer [~~"before the council"~~ stricken out] to my notification of your appointment to Phil^a, I was happy to find them concurring with me, in the propriety of intreating you not to decide on a refusal immediately. Perhaps the obstacles, now in view, may be removed, before May; and the nomination of a successor, if necessary at all; will be as effectually made sometime hence, as now. Perhaps too (and indeed I fear the event) every other consideration may seem of little weight, when compared with the crisis, which may then hang over the united states. I hope therefore, that you will excuse me for holding up your letter for the present, and waiting until time shall disclose the result of the commotions now prevailing.

[Letters to Washington, vol. LXX, p. 10.]

John Jay to His Excellency General Washington

New York 7 Jan^y 1787—

They who regard the public good with more attention & attachment than they do mere personal concerns, must feel

and confess the Force of such Sentiments as are expressed in your Letter to me by Col. Humphreys last Fall. The Situation of our affairs calls not only for Reflection and Prudence but for Exertion. What is to be done? is a common Question, but it is a Question not easy to answer.

Would the giving any further Degree of Power to Congress, do the Business? I am inclined to think it would not—for among other Reasons

It is natural to suppose there will always be members who will find it convenient to make their Seats subservient to partial & personal Purposes; and they who may be able and willing to concert and promote useful and national measures, will seldom be unembarrassed by the Ignorance, Prejudices, Fears, or interested Views of others.

In so large a Body Secrecy and Dispatch will be too uncommon; and foreign as well as local Influence will frequently oppose, and sometimes frustrate the wisest measures.

Large assemblies often misunderstand or neglect the Obligations of Character Honor and Dignity; and will collectively do or omit Things which individual Gentlemen in private Capacities would not approve. As the many divide Blame and also divide Credit; too little a Portion of either falls to each mans share, to affect him strongly; even in Cases where the whole Blame or the whole Credit must be national. It is not easy for those to think and feel as Sovereigns, who have always been accustomed to think and feel as Subjects.

The executive Business of Sovereignty depending on so many wills, and those wills moved by such a Variety

of contradictory motives and Inducements, will in general be but feebly done.

Such a Sovereign, however theoretically responsible, cannot be effectually so, in its Departments and Officers, without adequate Judicatories—

I therefore promise myself nothing very desireable from any Change which does not divide the sovereignty into its proper Departments—Let congress legislate, let others execute, let others judge.

Shall we have a King? Not in my opinion, while other Expedients remain untried. Might we not have a Governor General limited in his Prerogatives and Duration? Might not Congress be divided into an upper and a lower House? the former appointed for Life, the latter annually; and let the Governor General (to preserve the Ballance) with the advice of a council formed, for that only purpose of the great judicial officers, have a Negative on their acts. Our Government should in some Degree be suited to our manners and Circumstances, and they you know are not strictly democratical.

What Powers should be granted to the Government so constituted, is a Question which deserves much Thought—I think the more the better—The States retaining only so much as may be necessary for domestic Purposes; and all their principal Officers civil and military being commissioned and removeable by the National Governm^t—

These are short Hints—Details would exceed the Limits of a Letter, and to you be superfluous.

A convention is in contemplation, and I am glad to find your Name among those of its intended Members.

To me the Policy of such a Convention appears question-

able. Their authority is to be derived from acts of the State Legislatures. Are the State Legislatures ^{authorized} either by themselves or others, to alter Constitutions? I think not. They who hold Commissions can by virtue of them, neither retrench nor extend the Powers conveyed by them. Perhaps it is intended that this Convention shall not ordain, but only recommend—if so—there is Danger that their Recommendations will produce endless Discussions, and perhaps Jealousies and party Heats.

Would it not be better, for Congress plainly and in strong Terms to declare, that the present federal Government is inadequate to the Purposes for which it was instituted—that they forbear to point out its particular Defects, or to ask for an Extension of any particular powers, lest improper Jealousies should thence arise; but that [“it” stricken out] in their opinion it would be expedient for the People of the States without Delay to appoint State Conventions (in the way they chuse their General Assemblies) with the sole and express power of appointing Deputies to a general Convention; who or the Majority of whom should take into consideration the Articles of Confederation, & make such alterations amendments and additions thereto as to them should appear necessary and proper; and which, being by them ordained and published should have the same Force & Obligation which all or any of the present articles now have—

No alterations in the Government should I think be made, nor if attempted will easily take place, unless deducible from the only Source of just authority—the People.

[Letters to Washington, vol. LXX, p. 208.]

H Knox to His Excellency General Washington

New-York 1 ["1" changed to "4"] January 1787.

* * * * *

You ask what prevented the eastern states from attending the September meeting at Annapolis? ["last September" effaced] It is difficult to give a precise answer to this question—perhaps torpidity in New Hampshire, Faction, and heats about their paper money in Rhode Island, & Jealousy in Connecticut—Massachusetts had chosen delegates to attend, who did not decline until very late, and the finding other persons to supply their places, was attended with delay, so that the convention had broken up, by the time the new chosen delegates reached Philadelphia

With respect to the convention proposed to meet in May, there are different sentiments—some suppose it an irregular assembly, unauthorized by the confederation, which points out the mode by which any alterations shall be made. Others suppose, that the proposed convention would be totally inadequate ^{to} our situation, unless it should make an appeal to the people of every State, and a request, to call state conventions of the people, for the sole purpose of choosing delegates to represent them in a general convention of all the United States, to consider, revise, amend, or change the federal system in such a manner, as to them should seem meet, and to publish the same, for general observance, without any reference to the parts or states for acceptance or confirmation—were this ^{mode} practicable it would certainly be the most summary, and if the choice of delegates was judicious, in proportion to its importance, it might be the most eligible—There are others who are of opinion that Congress ought to take up the defects of the present

system, point them out to the respective Legislatures, and recommend certain alterations.

The recommendations of Congress are attended with so little effect, that any alterations by that means seem to be a hopeless business,—Indeed every expedient which can be proposed, conditioned on a reference back to the Legislatures, or conventions seems to be of the same nature

Some gentlemen are apprehensive that a convention of the nature proposed to meet in May next, might devise some expedients to brace up, the present defective confederation so as just to serve to keep us together, while it would prevent, those exertions for a national character, which is essential to our happiness—that in this point of view, it might be attended with the bad effect, of assisting us to creep on in our present miserable condition, without a hope of a generous constitution, that should at once shield us from the effects of faction, and despotism.

You will see by this sketch my dear sir how various are the opinions of men,—and how difficult it will be to bring them to concur in any effective government—I am persuaded, if you were determined to attend the convention, and it should be generally known, it would induce the eastern states to send delegates to it I should therefore be much obliged for information of your decision on this subject—At the same time the principles of the purest and most respectful friendship, induce me to say, that however strongly I wish for measures which would lead to national happiness, and glory; yet I do not wish you to be concerned in any political operations of which, there are such various opinions. There may indeed, arise some solemn occasion, in which you may conceive it to be your

duty to exert ^{again} your utmost talents for to promote the happiness of your Country. But this occasion must be of an unequivocal nature in which the enlightned and virtuous citizens should generally concur.

Notwithstanding the contray opinions respecting the proposed convention, were I to presume to give my own judgement, it would be in favor of the convention, and I sincerely hope that it may be generally attended—I do not flatter myself that the public mind is so sufficiently informed and harmonized, as that an effective government would be adopted by the convention, and proposed to the United States, or that if this were practicable, that the people of the several states, are sufficiently prepared to receive it. But it seems to be highly important that some object should be held forth to the people, as a remedy for the disorders of the body politic—were this done by so respectable a set of men as would be sent to the convention, even if it were not so perfect in the first instance, as it might be afterwards, yet it would be a stage in the business, and mens minds would be exercised on the subject, and appreciated towards ^a good Constitution.—Were strong events to arise between this, and the time of meeting, enforcing the necessity of a vigorous government, it would be a preparation which might be embraced by the convention, to propose at once, an efficient system—Although it may be confessed that a convention originating from the respective Legislatures instead of the people themselves, is not the regular mode pointed out by the confederation, yet as our system in the opinion of men of reflection, is so very defective, it may reasonably be doubted, whether the constitutional mode of amendment, would be adequate to our critical situation—if on an examination this should

be found to be the case, the proposed convention may be the best expedient that could be devised—unrestrained by forms, it would be able to consider every proposition fully, and decide agreeably to the sentiments of the majority—But in a body constituted as Congress is, a single Member frequently may frustrate, the opinions of ¹⁷ 18ths of the United States assembled by representation in that body. There are a variety of other reasons which in my mind have the influence to induce a preference for the convention—but the different opinions respect it, will probably prevent a general attendance

In my former letters I mentioned that men of reflection and principle were tired of the imbecillities of the present government—but I did not point out any substitute. It would be prudent to form the plan of a new house, before we pull down the old one. The subject has not been sufficiently discussed, as yet in publick, to decide precisely, on the form of the edifice. It is out of all question, that the foundation, must be of republican principles; but so modified and wrought together, that whatever shall be erected thereon, should be durable, & efficient. I speak entirely of the federal government, or what would be better one government instead of an association of governments—were it possible to effect, a general government of this kind it might be constituted of an assembly, or lower house, chosen for one two or three years a senate chosen for five six or seven years, and the executive under the title of Governor General chosen by the assembly and Senate, for the term of seven years, but liable to an impeachment of the lower house, and triable by the senate. A judicial to be appointed by the Governor General, during good behaviour, but impeachable

by the lower house and triable by the Senate. The laws passed by th[is] ["e" written upon "is"] general governm^t to be obeyed by the local governments, and if necessary to be enforced by a body of armed men to be kept for the purposes which should be designated—All national objects, to be designed and executed by the general government, without any reference to the local governments. This rude sketch is considered as the government of the least possible powers, to preserve the confederated governments—To attempt to establish less, will be to hazard the existence of republicanism, and to subject us, either to a division of the European powers, or to a despotism arising from highhanded commotions.

I have thus my dear Sir obeyed what seemed to ^{be} your desire, and given you, the ideas which have presented themselves from reflection, and the opinion of others— May heaven direct us to the best means for the dignity, and happiness of the United States.

* * * * *

[Madison Papers,
vol. XIV, p. 109.]

John F. Mercer to [James Madison]

Annapolis Jan^y 16. 87.

* * * the Politics of this State have become so confused as to engage universal attention—they appoint no Deputies to the General Convention this session—that & every other consequential measure is postponed to the next session in March—when they expect that the people will decide on a paper emission—two plans of which are submitted to them—one by the H. of Delegates ^{on loan} & another by the Senate * * *

Horatio Gates to His Excellency George Washington Esq^r [Letters to Washington, vol. LXX, p. 328.]
President of The Cincinnati.

Travellers-Rest, 19th January, 1787:

* * * I am happy to find, that in this Critical Hour, The Legislature have thought proper to call upon Your Excellency, to Step forth to Rescne Us from Anarchy, by placing you at the Head of that Committee, which is to meet the 2^d of May, in Philadelphia; this is so Important a Station; & the Crisis which calls for it so alarming; that I will not believe Your Excellencys Patriotism, & High Regard for Civil Liberty, will permit you to Decline it; you will there Sir, be upon the Spot, where the Representatives of the Cincinnati so Ardently desire to see there President. * * *

D. Humphreys to Gen^l Washington.

[Letters to Washington, vol. LXX, p. 217.]

New Haven Jan^y 20th 1787

* * * * *
* * * * *

As to a Convention, it has not until lately engrossed but little share in the conversation here. I am induced to expect the only good it can do, will be to demonstrate to the People, that a number of characters in whom they repose confidence, believe seriously we cannot remain as a nation much longer, in the present manner of administering our actual Government. The evil appears to me to consist more in the untowardly dispositions of the States, (who make no hesitation in palpably violating the Confederacy whenever it suits their interest) rather than in the form of our national Compact as it exists on paper. What is to be done to cure these dispositions? We may have

what forms we please, but without coercion, they are idle as the wind. Now let us enquire what effect may probably be produced from the Convention. In the first place there is a diversity of sentiment respecting the legality & expediency of such a Meeting. Those who are opposed to the measure say there cannot be a full representation of the People for revising the Confederation, because the freemen at large have not been consulted in any instance; and because the Legislatures who appoint Deputies, are not authorised by their Constituents to make such appointment. Others suppose a Convention to be an interference with, if not an usurpation of the functions of Congress, and that, if any recommendations are to go to the People, they should originate with Congress. But neither of these is the reason, why those members of our Assembly, who are perfectly federal in their policy, did not urge that the subject should have been taken up & an appointment made. The reason was, a conviction that the persons who would be elected; were some of the most antifederal men in the State, who believe or act as if they believed that Congress is already possessed of too unlimited powers, and who would wish, apparently, to see the Union dissolved. These Demagogues really affect to persuade the people (to use their own phraseology) that they are only in danger of having their liberties stolen away, by an artful, designing Aristocracy. This jealousy, I presume, exists in some other Governments. I do not learn that Commissioners have been appointed from any of the New England States. Some of the Assemblies will not convene before May, unless called on an extraordinary emergency. So that it is almost certain that the Convention will be but partial in point of representation.

But should it be compleat, and should the members be unanimous in recommending, in the most forcible, the most glowing, the most pathetic terms which language can afford, that it is indispensable to the salvation of the Country, Congress should be cloathed with more ample powers.— I am as confident as I am of my own existence, the States will not all comply with the recommendation. They have a mortal reluctance to divest themselves of the smallest attribute of independent, separte Sovereignty. The personal character of yourself & some other Gentlemen would have a weight on individuals—but on democratic Assemblies & the bulk of the People, your opinions & your eloquence would be “trifles light as air.” After the abominable neglects, with which your recommendations of the Army have been treated; he must indeed have faith to remove mountains, who can believe in the good dispositions of the Country. We are already nearly ruined by believing too much— We have believed that the Citizens of the United States were better than the rest of the world; and that they could be managed in Society without compulsion.

In effect, I conceive that, if the Confœderation should not meet with a speedy dissolution, Congress must & will gradually & imperceptably acquire the habits & the means of enforcing their dicisions—But if the people have not wisdom or virtue enough to govern themselves, or what is the same thing to suffer themselves to be governed by men of their own election; why then I must think it is in vain to struggle against the torrent, it is in vain to strive to compel mankind to be happy & free contrary to their inclination. The mobility, in that case, or rather their jealous & factious Leaders will produce a crisis of a different nature. All that

Patriots & good men can do, will be to wait events, to foresee as far as may be, & make the best of them.

I have dilated thus largely on the general subject, to shew that I concur fully in sentiment with you, concerning the inexpediency of your attending the Convention. This ^{is} also the decided opinion of our friend Col^o Trumbull, with whom I have been since the receipt of your letter on purpose to take his advice (he begs his best respects may be presented to you).

As to your particular & private reasons against attending, they are clearly sufficient to convince any reasonable man of the propriety & consistency of your conduct.

1st You declared, on resigning your Commission that you would not interfere again with public affairs.—Should a period ever arrive (& probably it may) when this declaration ought to be dispensed with: the Crisis is [“not yet” stricken out] certainly not yet ^{come} [“arrived” stricken out].

2^{ndly} You may urge with peculiar propriety your private affairs, & a right to enjoy the remainder of life in tranquillity.

3^{dly} You have happily excused yourself, for substantial reasons, from attending the General Meeting of the Cincinnati.—This ought to be considered as an additional apology. Your declining to attend that Meeting, will not (under the present circumstances) be considered in an unfavorable light by any discription of Men.—But should you afterwards attend the Convention, it would more than probably produce uneasiness among the Officers in general, & evidently give an occasion to a certain Class to represent your conduct as influenced by

ambition on one hand; & as discovering a dereliction of your old friends, on the other.

4^{thly} The result of the convention may not be perhaps so important as is expected; in which case your character would be materially affected. Other people can work up the present scene. I know your personal influence & character, is, justly considered, the last stake which America has to play. Should you not reserve yourself for the united call of a Continent entire?

5^{thly} If you should attend on this Convention & concur in recommending measures, which should be generally adopted, but opposed in some parts of the Union; it would doubtless be understood that you had, in a degree, pledged yourself for their execution.—This would at once sweep you back, irretrievably, into the tide of public affairs.

One feels such a lassitude & inaccuracy in attempting to unbosom himself in writing, as makes him much less explicit & clear than he would be in an oral communication. Was I only at a moderate distance, I should endeavour to communicate verbally many sentiments respecting circumstances & characters, which must now be suppressed.

* * * * *

T Stone to [George Washington]

Annapolis 30. Jan^y 1787.

[Letters to Washington, vol. LXX, p. 252.]

The Senate & House of Delegates of Maryland, having differed upon the subject of issuing paper money on loan, & the latter having appealed to the people I take the liberty of enclosing you the papers of each House & if not disagree-

able I shall be much obliged by a communication of your sentiments upon a subject which is likely to create great & perhaps dangerous divisions in this State,

[Print.]

[ENCLOSURE.]

[Maryland Senate to the House of Delegates.]

January 20, 1787.

*	*	*	*	*	*	*
*	*	*	*	*	*	*

An act of the commonwealth of Virginia for appointing deputies to meet at Philadelphia in May next for revising the federal government, and correcting its defects, was early communicated to this legislature: In consequence thereof your house proposed to appoint deputies, which we acceded to, and a conference took place to ascertain the powers to be given to the deputies. A report was made by the conferrees, which has been agreed to by the senate.

As this proposition originated with you, and the measure is confessedly necessary and important, we are not a little surprised that you have resolved to adjourn, without making this appointment. Although it may be urged, that this deputation may be made at the session proposed by your house to be held in March next, time enough for the deputies to meet at Philadelphia in May, yet it must be obvious, that the other states, perceiving that the legislature of this state has adjourned without making the appointment, may conclude that the measure has not met their approbation. This inference may create suspicions, destructive of that unanimity which is admitted, by the wisest and best men in the United States, to be absolutely necessary to preserve the federal union.

The neighbouring states of Virginia and Pennsylvania have discovered their sense of the importance of this meeting, and their expectation of its effects, by appointing some of their first characters to assist in the deliberations.

We cannot account for your postponing the consideration of these great and interesting subjects, and your adjournment to the 20th of March, unless it be to appeal to the people upon the bill for an emission of paper money, which we rejected. This appeal tends to weaken the powers of government, and to disseminate division and discord among the citizens of this state, at a crisis, when the energy of the one, and the union of the other, are more than ever necessary.

* * * * *

H Knox to His Excellency Gen^l Washington

New-York 12 February 1787.

[Letters to Washington, vol. I, XX, p. 308.]

* * * * *

Several Gentlemen in the legislature of Massachusetts to whom I wrote on the subject assure me of their hearty concurrence in the proposed convention to be held next May, and that they shall urge the matter in the Legislature with all their might—I am persuaded that they will appoint delegates, but as I mentioned to you in my letter of the 14th ultimo they will be the only state from New England—and as the [^{convention}“legislature” effaced] will be able only to propose perhaps it may answer all the purposes as if the others were to choose.

* * * * *

{Madison Papers,
vol. II, p. 101 }

Js. Madison Jr to The Honble Tho^s Jefferson

New York Feb^y 15th 1787.

My last was from Richmond of the 4th of December,
and contained a sketch of our legislative proceedings prior
to that date. The principal proceedings of subsequent^{date}
[^{relate} "consist" stricken out] as nearly as I can recollect 1st

* * * * *

8th the Convention for amending the federal Constitution.
At the date of my last Virg^a had passed an act for appoint-
ing deputies. The deputation consists of Gen^l Washington
M^r Henry late Gov^r M^r Randolph present Gov^r M^r Blair
M^r Wythe Col. Mason & J^r M. North-Carol^a has also made
an app^t including her present & late Gov^r S. C. it is
expected by her delegates in Cong^s will not fail to follow
these examples. Maryland has determined I ^{just}hear to app^t
but has not yet agreed on her deputies. Delaware, Penn^a &
N. J^y have made respectable appointm^{ts} N. York has not
yet decided on the point. Her Assembly has just rejected
the impost which has an unpropitious aspect. It is not clear
however that she may not yet accede to the other measure.
Connecticut has a great aversion to Conventions, and is
otherwise habitually disinclined to ["part with" stricken
out] abridge her State prerogatives. Her concurrence
nevertheless is not despaired of. Mass^{ts} it is said will
concur, though hitherto not well inclined. N. Hampshire
will probably do as she does. Rhode Island can be relied on
for nothing that is good. On all great points she must
sooner or later bend to Mass^{ts} & Connecticut.

* * * * *

John Jay to the Marquis De la Fayette

New York 16th February 1787

[The Papers of the
Continental Con-
gress, No. 121, p. 243.
Transcript]

* * * * *

You have heard long before this that the Convention you allude to miscarried. Another is now in Contemplation, and some of the States have delegated distinguished Characters to represent them at it. Whether all or how many of the States will adopt that Measure is uncertain, the People being divided in Sentiment respecting the Expediency of it.—

* * * * *

George Muter to [James Madison]

Kentucky, Mercer County Feb^r 20th 1787

[Madison Papers,
vol. XIV, p. 110]

* * * * *

The situation of affairs in Massachusetts seems to be distressing indeed. And it is, I think, to be feared, that the example, may be productive of mischief in some of the other states. Such a state of affairs is truly deplorable, more particularly as there is reason to suspect that British emissarys are busying themselves on the occasion. How far the mischief may extend it is impossible to foresee; but, I would fain hope, it will produce an inclination in the minds of all men, to use every endeavour, to bring about such an amendment in the federal union as has, now, become absolutely necessary. Virginia has done herself honour in the choice of her deputies. I hope her example will be followed by the other states. And I pray, that the exertions of the deputies from the states of the Union, at their meeting, to amend the constitution, & thereby to secure to the people, the blessings, that may be reasonably expected from the revolution, may be blessed with the fullest success.

[Indorsement]

Instructions to the delegates of New York & the motion of the said delegates in pursuance thereof.—21 Feb^y 1787—

[The Papers of the
Continental Con-
gress No. 67, vol. II
p. 555]

In Assembly February 17th 1787—
herein

Resolved, (if the Honorable the Senate concur [^] that the Delegates of this State in the Congress of the United States of America, be, and they hereby are instructed, to move in Congress for an Act recommending to the States composing the Union, that a Convention of Representatives from the said States respectively be held, and meet at a Time and Place to be mentioned in such Recommendation, for the purpose of Revising the Articles of Confederation and perpetual Union between the United States of America ^{and reporting to the United States} in Congress Assembled, and to the States respectively, such Alterations and Amendments to the said Articles of Confederation, as the Representatives met in such Convention shall judge proper and necessary to render them adequate to the preservation and support of the Union.

Ordered that M^r Purdy deliver a Copy of the last preceding Resolution to the Honorable the Senate.

A Copy

JOHN M^cKESSON Clk—

In Senate Febru^y 20th 1787—

Resolved that the Senate do concur with the Hon. the Assembly in their aforesaid Resolution[“s” erased].

Ordered that M^r Morris deliver a Copy of the preceding concurrent Resolution to the Hon. the Assembly.

Extract

AB^m B. BANCKER Clk

John Jay to the Honorable John Adams Esquire

New York 21st February 1787[The Papers of the
Continental Con-
gress, No. 121, p. 245.
Transcript.]

* * * * *

The Insurrection in Massachusetts seems to be suppressed, and I herewith enclose the Papers containing the Details we have received since the 6th Instant when I wrote to you by the Packet. Your Sentiments on that Business prove to have been just. I ought to write you fully on many Subjects, but I am not yet enabled—when I shall be cannot be predicted. Our Government is unequal to the Task assigned it, and the People begin also to perceive its Inefficiency—The Convention gains ground—New York has instructed her Delegates to move in Congress for a Recommendation to the States to form a Convention; for this State dislikes the Idea of a Convention unless countenanced by Congress. I do not promise myself much further immediate Good from the Measure, than that it will tend to approximate the public Mind to the Changes which ought to take place. It is hard to say what those Changes should be exactly—there is one however which I think would be much for the better, Viz^t to distribute the fœderal Sovereignty into its three proper Departments of executive, Legislative and judicial; for that Congress should act in these different Capacities was I think a great Mistake in our Policy.—

* * * * *

J^r Madison Jr to Gen^l WashingtonNew York. Feb^y 21. 1787[Letters to Wash-
ington, vol. LXXI. p.
1. Madison Papers,
vol. II, p. 100. Copy.]

Some little time before my arrival here a quorum of the States was made up and Gen^l Sinclair put in the Chair. We have at present nine States on the ground, but shall lose South Carolina today. Other States are daily expected.

What business of moment may be done by the present or a fuller meeting is uncertain. The objects now depending and most immediately in prospect, are 1. The Treaty of peace. * * * 2. a Recommendation of the proposed Convention in May. Cong^s have been much divided and embarrassed on the question whether their taking an interest in the measure would impede or promote it. On one side it has been urged that some of the backward States have scruples ag^t acceding to it without some constitutional sanction. On the other that other States will consider any interference of Cong^s as proceeding from the same views which have hitherto excited their jealousies. A vote of the Legislature entered into yesterday will give some relief in the case. They have instructed their delegates in Cong^s to move for the recommendation in question. The vote was carried by a majority of one only in the Senate, and there is room to suspect that the minority were actuated by a dislike to the ["object of the Convention" stricken out] rather than by any objections ag^t the form of the business. A large Majority in the other branch a few days ^{ago} put a definitive veto on the Impost. It would seem as if the politics of this State are directed by individual interests and plans, which might be incommoded by the controul of an efficient federal Government. The four States North of it are still to make their decision on the subject of the Convention. I am told by one of the Mass^{ts} delegates that the Legislature of that State which is now sitting, will certainly accede and appoint deputies if Cong^s declare their approbation of the measure. I have similar information that Connecticut will probably come in, though it is said that the interference of Congress will rather have a contrary tendency there. It is expected that S. Carolina will not fail to adopt the plan, and that

Georgia is equally well disposed. All the intermediate States between the former and N. York have already appointed deputies, except Maryland which it is said means to do it, and has entered into some vote which declares as much. * * * I have not been here long enough to gather the general sentiments of leading characters touching our affairs & prospects. I am inclined to hope that they will gradually be concentrated in the plan of a thorough reform of the existing system. Those who may lean towards a Monarchical Gov^t and who I suspect are swayed by very indigested ideas, will of course abandon an unattainable object whenever a prospect opens of rendering the Republican form competent to its purposes. Those who remain attached to the latter form must soon perceive that it cannot be preserved at all under any modification which does not redress the ills experienced from our present establishments.—Virginia is the only State which has made any provision for the late moderate but essential requisition of Cong^{re} and her provision is a partial one only.

* * * * *

Wednesday Feb^y 21. 1787

Congress assembled as before.

The report of a grand com^{tee} consisting of M^r Dane M^r Varnum M^r S. M. Mitchell M^r Smith M^r Cadwallader M^r Irwine M^r N. Mitchell M^r Forrest M^r Grayson M^r Blount M^r Bull & M^r Few, to whom was referred a letter of 14 Sept^r 1786 from J. Dickinson written at the request of Commissioners from the states of Virginia Delaware Pennsylvania New Jersey & New York assembled at the City of Annapolis together with a copy of the report of the said commissioners to the legislatures of the states by whom they were appointed,

[The Papers of the Continental Congress, No. 1, vol XXXVIII.]

[This committee, consisting originally of Messrs. Dane, Miller, Sturges, Smith, Cadwallader, Pettit, Henry, Carrington, Bull and Few, was appointed October 8, 1786, renewed with changes shown February 12, 1787, delivered its report, February 19, which was acted on February 20, 1787. The Papers of the Continental Congress, No. 100 pp. 127, 136; No. 184, p. 22.]

being ["called up" stricken out] an Order of the Day was called up & which is in ["the words following viz" ^{contained in the following resolution viz} stricken out]

"Congress having ["having" stricken out] had under consideration the letter of John Dickinson esq^r chairman of the commissioners who assembled at Annapolis during the last year also the proceedings of the said commissioners and entirely coinciding with them as to the ⁱⁿ efficiency of the federal government and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the Union do strongly recommend to the different legislatures to send forward delegates to meet the proposed convention on the second Monday in May next at the city of Philadelphia."

The delegates for the state of New York thereupon laid before Congress Instructions which they had received from their constituents & ⁱⁿ pursuance of the said instructions moved to postpone the farther consideration of the report in order to take up the following proposition to wit

[Draft of this motion is in The Papers of the Continental Congress, No. 36, vol. III, p. 323.]

"That it be recommended to the States composing the Union that a convention of representatives from the said states respectively be held at — on — for the purpose of revising the Articles of Confederation and perpetual Union between the United States of America and reporting to the United States in Congress assembled and to the States respectively such alterations and amendments ["to" stricken out] of the said Articles of Confederation as the representatives met in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union"

On the question to postpone for the purpose above mentioned the yeas & nays being required by the delegates for New York.

Massachusetts	M ^r King ay	} ay
	M ^r Dane ay	
Connecticut	M ^r Johnson ay	} d
	M ^r S M. Mitchell no	
New York	M ^r Smith ay	} ay
	M ^r Benson ay	
New Jersey	M ^r Cadwallader ay	} no
	M ^r Clarke no	
	M ^r Schurman no	
Pennsylvania	M ^r Irwine no	} no
	M ^r Meredith ay	
	M ^r Bingham no	
Delaware	M ^r N Mitchell no	} x
Maryland	M ^r Forrest no	} x
Virginia	M ^r Grayson ay	} ay
	M ^r Madison ay	
North Carolina	M ^r Blount no	} no
	M ^r Hawkins no	
South Carolina	M ^r Bull no	} no
	M ^r Kean no	
	M ^r Hunger no	
	M ^r Parker no	
Georgia	M ^r Few ay	} d
	M ^r Pierce no	

So the question was lost.—

A motion was then made by the delegates for Massachusetts to postpone the farther consideration of the report in

order to take into consideration a motion which they read in their place, this being agreed to, the motion of the delegates for Massachusetts was taken up and being amended was agreed to as follows

[Draft of this motion is in The Papers of the Continental Congress, No. 36, vol. III, p. 329.]

A transcript of this resolution is in The Papers of the Continental Congress, No. 122, p. 74.]

Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union

Madison — Papers,
Notes of the Proceedings of Congress, No. xv

Wednesday Feb^y. 21.

The Report of the Convention at Annapolis in Sep^r 1786, had been long under consideration of a Committee of the Congress for the last year; and was referred over to a ^{Grand} Committee

of the present year. The latter Committee after considerable difficulty and discussion, agreed on a report by a majority of ^{[See the Journal] which} one only, was made a few days ago to Cong^s and set down as the order for this day. The Report coincided with the opinion held at Annapolis that the Confederation needed amendments and that the proposed Convention was the most eligible means of effecting them. The objections which seemed to prevail ag^t the recommendation of the Convention by Congress, ^{with some} were 1. that ["by" stricken out] it tended to weaken the federal authority by lending its sanction to an extraconstitutional ^u mode of proceeding— 2. that the interposition of Cong^s would ^{with others} ["be consider" stricken out] be considered by the jealous as betraying an ambitious wish to get power into their hands by any plan whatever that might present itself. Subsequent to the Report, the Delegates from ^{N York} rec^d instructions from its Legislature ["that" stricken out] to move in Congress for a recommendation of a Convention; and those from Mass^t had, it appeared, rec^d information which led them to suppose it was becoming the disposition of the Legislature of that State to send deputies to the proposed Convention in case Cong^s should give their sanction to it. There was reason to believe however from the Language of the instruction from N York that her object was to obtain a New Convention, under the sanction of Cong^s rather than to accede to the one on foot, or perhaps by dividing the plans of ^{the} States in their appointments to frustrate all of them. The latter suspicion is in some degree countenanced by their refusal of the Impost a few days before the instruction passed, and by their other marks of an unfederal disposition. The Delegates from N. Y. in consequence of their instructions made the motion on the

So

Journal to postpone the Report of the Committee in order to substitute their own proposition. Those who voted agst it, considered it as liable to the objection abovementioned. Some who voted for it particularly M^r Madison considered it susceptible of amendment when brought before Cong^s and that if Cong^s interposed in the matter at all it would be well for them to do it at the instance of ["a State," written upon "some of the" erased] rather than spontaneously. This motion being lost, M^r Dane from Mass^{ts} who was at bottom unfriendly to the plan of a Convention, and ^{had} dissuaded his State from coming into it, brought forward a proposition, in a different form, but liable to the same objection with that from N. York. After some little discussions, it was agreed on all sides except by Connecticut who opposed the measure in every form, that the Resolution sh^d pass as it stands on the Journal, sanctioning the proceedings & appointments already made by the States as well as recommending further appoint^{ts} from other States, but in such terms as do not point directly to the former ^{ap}-pointments.

It appeared from the [^]debates & still more from the conversation among the members that many of them considered this resolution as a deadly blow to the existing Confederation. Doc^r Johnson who voted agst it, particularly declared himself to that effect. Others it ^{viewed} in the same light, but were pleased with it as the harbinger of a better Confederation.

The reserve of many of the members made it difficult to decide their real wishes & expectations from the present crisis of our affairs. All agreed & owned that the federal Gov^t in its existing shape was inefficient & could not last long. The members from the Southern & middle States seemed

generally anxious for some republican organization of the System which w^d preserve the Union and give due energy to the Govern^t of it. Mr. ^{Bingham} alone avowed his wishes that the Confederacy might be divided into several distinct confederacies, its great extent & various interests, being incompatible with a single Government—The Eastern members were suspected by some of leaning towards some antirepublican establishment, (the effect of their late confusions) or of being less desirous or hopeful of preserving the Unity of the Empire. For the first time the idea of separate Confederacies had got into the Newspapers. It appeared to day under the Boston head. Whatever the views of leading men in the Eastern States may be, it would seem that the great body of the people particularly in Connecticut, are ^{or} equally indisposed either to dissolve ^{or} divide the Confederacy ^{or} to submit to any antirepublican innovations.

H Knox to His Excellency General Washington—

New York 22 February 1787.

[Letters to Washington vol. LXX. p. 339.]

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Congress will probably adopt the idea of a convention for the revision of the confederation to assemble in May at Philadelphia. This will take away ["the" written upon "from the" effaced] objections against the legality of the proposed convention. and meet the ideas of the eastern States. I hope it will be effected ["in" written upon "and" effaced] Congress & a general attendance of the states be the consequence.

Madison Papers,
vol. II, p. 104.

J^s Madison Jr. to The Honble Edmund Pendleton Esq^r
 Boling Green—Caroline County, Virginia
 New York Feb^y 24. 1787.

* * * * *

The only step of moment taken by Cong^s since my arrival has been a recommendation of the proposed meeting in May for revising the federal articles. Some of the States, considering this measure as an extraconstitutional one, had scruples ag^t concurring in it without some regular sanction. By others it was thought best that Cong^s should remain neutral in the business, as the best antidote for the jealousy of an ambitious desire in them to get more powers into their hands. This suspence was at length removed by an instruction from this State to its delegates to urge a Recommendatory Resolution in Congress which accordingly passed a few days ago. Notwithstanding this instruction from N. York, there is room to suspect her disposition not to be very federal, a large majority of her House of delegates having very lately entered into a definitive refusal of the impost, and the instruction itself having passed in the Senate by a casting vote only. In consequence of the sanction given by Cong^s Mass^{ts} it is said will send deputies to the Convention, and her example will have great weight with the other N. England States. The States from N. C^a to N. Jersey inclusive ^{have} made their appointments, except Mary^d who has as yet only determined that she will make them. The gentlemen here from S. C^a & Georgia, expect that those States will follow the general example. Upon ^{the} whole therefore it seems probable that a meeting will take place, and that it will be a pretty full one. What the issue of it will be is among the other arcana of futurity and nearly as

inscrutable as any of them. In general I find men of reflection much less sanguine as to a new than despondent as to the present System. Indeed the Present System neither has nor deserves advocates; and if some very strong props are not applied will quickly tumble to the ground. No money is paid into the public Treasury; no respect is paid to the federal authority. Not a single State complies with the requisitions, several pass ^{them} over in silence, and some positively reject. The payments ever since the peace have been decreasing, and of late fall short even of the pittance necessary for the Civil list of the Confederacy. It is not possible that a Government can last long under these circumstances. If the approaching Convention should not agree on some remedy, I am persuaded that some very different arrangement will ensue. The late turbulent scenes in Mass^{ts} & infamous ones in Rhode Island, have done inexpressible injury to the republican character in that part of the U. States; and a propensity towards Monarchy is said to have ^{been produced by it in} ["seized," stricken out] some leading minds. The bulk of the people will probably prefer the lesser evil of a partition of the Union into three more practicable and energetic Governments. The latter idea I find after long confinement to individual speculations & private circles, is beginning to shew itself in the Newspapers. But tho' it is a lesser evil, it is so great a one that I hope the danger of it will rouse all the real friends to the Revolution to exert themselves in favor of such an organization of the Confederacy, as will perpetuate the Union, and redeem the honor of the Republican name.

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[Letters to Wash-
ington, vol. LXX, p.
333]

H Knox to His Excellency Gen^l Washington

New-York 27th February 1787.

* * * * *

You will have observed that Congress has passed an act approving the idea of a convention, so worded, as to include all appointments already made—This circumstance will remove all objections to the convention on account of its legality

[Letters to Wash-
ington, vol. LXXI,
p. 1]

D. Humphreys to Gen^l Washington.

Springfield Feb^y 28th 1787.

* * * * *

I am just informed, that in consequence of the refusal of the Legislature of New York to comply, satisfactorily, with the Requisitions of Congress respecting the five p^r Cent Impost; the last mentioned Body have recommended all the States to send a Representation to the Convention which is to be holden at Philadelphia in May next. This may give a new Complexion to that Business—

[Letters to Wash-
ington vol. LXXI,
p. 9]

John Armstrong to Gen^l Washington.

Carlisle March 2^d 1787—

* * * * *

That our political affairs at present possess but a sable aspect, and are ground of serious concern to every worthy American, I know must be obvious to you—the early refusal of some [“of some” stricken out] of the States, to admit the Impost (and 'tis again refused by New-York the other day) I fear will bring on ruine—Congress is & has been, but a Council of advice, whose influence daily grows

less. amongst all our diseases as far as I can observe, distrust, or the want of confidence, is not the least. it is hard to tell how we shall be governed, when we cannot trust ourselves, or which is the same thing the men of our own choice! We seem to require more time, & perhaps discipline too, before we gain that knowledge of Government in general and ^{of} that species we have adopted in particular, that can qualify us for proper & rational subjection, even to laws of our ^{own} making:—and whosever expects more than this from the splendid word liberty—perverts the only true meaning of it. Our happy transition from the former State, is neither well understood nor ^{ly} properly improved—too many think they are wise—too many selfwilled—jealous of the advantages of a sister-State, or partial to their own; forgetting practically at least, that the Federal interest is one & but one. as to incidental advantages that are merely local, natural & inevitable, they may happen to all in their turn, they belong to the body, and should never be grudged; as well may we envy our feet, because our Shoes may happen to be ^{["better" stricken out] better} than our Hatt. On the other hand Congress too, may probably need a reform. patience—Economy in the whole circle of their business, with frequent & explicit accounts of the disbursments of the peoples money—encouragement of honesty, industry & frugallity.—from what we have heard, we must be ready to concieve that Congress have set out in the Arrangments of their federal Government, on a large & expensive scale: a written display of them would indeed be pompous enough, and might induce strangers to believe us to be a well established & wealthy nation. a number of great departments, Boards & Tables—Rented Houses, a group of Clerks—

Capital Officers, with three & some of them four thousand dollars p^r annum: and all this without moral certainty or high probability, that their finances were equal to a gradual discharge of the national debt at least, as well as this projected expence of the Federal Government. but what services may have resulted from this well organized System, these three years past, are not so obvious as might be wished—my meaning in these hints is far from standing opposed to method; and am also sensible that some considerable Polititions have laid it down as a maxim, that a Republican Government requires more Servants, than a Monarchial—this may be so, (or rather problematical) but we know no human maxim how general soever, that does not vary in it's use according to the circumstances under which it is to be applied.—An Economical reformation, would appear well, as coming from the head, and likely to produce good effects—the Civil list perhaps with safety might be curtailed, & the salaries of the absolutely necessary lessened—this would contribute much to conciliate the people & restore confidence to that body—and altho it be true in the general, that in the time of Peace we ought to prepare against War: I cannot readily admit that such preparation should lead us to infringe the rules of justice, or risque our national faith & credit—I confess dear General, I should rather see the rulers of our country in the present situation, trust the protection of God, in their weak state—than attempt to be either wise, pompous, or strong, at the expence of honor & justice; apprehending more from intestine difficulties, than from foreign invasion.

Most men are ready to say that Congress should have more power, as much as will answer the end of Govern-

ment—but what deegree of power will serve this great purpose, is the question? and not easy to ascertain; this difficulty great enuff in itself, is enhanced, by the strange spirit we see too ready to prevail amongst different classes of men, every man or his neighbour, is now wise enⁿ—or jealous enⁿ—in their own conceit, or at least every State is likely to have their own Oracle. by disease & otherwise superannuated as I now am, as you will see in the sequel of this letter, I have put my brain to the rack of late, in quest of some permanent or probable ground short of a plenary or Coercive power, and confess (tho' with fear & trembling) I can find none—the power & ability of execution, is the very essence of power, this must be lodged somewhere, otherwise legislation is to no effect. but will this be yielded, and where shall it be placed? It must be yielded sooner or later, or we must be a much better people than at present. however evident this may be to some men, it is very questionable whether it yet be concured in, or whether at the Crisis, or in the first instance it ought to be adopted. there are some measures, or things, wrong in themselves, that when gone into, cannot be altered for the better: so there may also be measures the most proper & salutary in themselves, that must be waved & give way to the force of prejudice, which probably may happen in the question above. In a former letter I ventured to say you were not likely to have altogether done with publick appointments—and therefore mention the satisfaction of many, to see your nomination for the Convention in May next. the States will probably all send delegates, but with what restrictions we cannot tell, ["but" stricken out] the late conduct of New-York relative to the Impost, is not

promising—the meeting appears to be of great importance, may God Vouchsafe his blessing to it — * * *

The alarming flame in Massachusets seems nearly extinguished, but if the subsequent measures of that State respecting the insurgents should be severe, amounting to death, Confiscation, or disfranchisement, the consequence may be bad, as tending to rekindle the flame. Shall I tell you in confidence, I have now twice heard, nor from low authority^{*}, begin to talk of wishing one general Head to the Union, in the room of Congress!

* some principal men of that State—

* * * * *

The Papers of the
Continental Congress, No. 64, pp. 328,
332.]

Jn^o Sullivan to His Excellency the president of Congress

Durham March 3^d 1787

I have the honor of inclosing your Excellency Copy of a vote of the General Court of this state appointing Delegates to meet in Convention at Philadelphia in May next:

[ENCLOSURE.]

State of New	|	In the House of Representatives
Hampshire	|	Jan ^y 17th 1787—

Resolved, that any two of the Delegates of this State to the Congress of the United States, be & hereby are appointed and authorized as Deputies from this State, to meet such Deputies as may be appointed & authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them in devising & discussing all such alterations & further provisions as to render the federal Constitution adequate to the Exigencies of the Union & in reporting such an Act to the United

States in Congress, as when agreed to by them, & duly confirmed by the several States, will effectually provide for the same, But in case of the Death of any of said Deputies, or their declining their Appointments, the Executive is hereby authorized to supply such vacancies, and the President is requested to transmit forthwith a copy of this Resolve to the United States in Congress and to the Executive of each of the States in the Union.—

Sent up for Concurrence

JOHN LANGDON Speaker

In Senate the same day read & concurred with this Amendment that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them, that they approve of the Convention, as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.

JN^o SULLIVAN President

In the House of Representatives the same day read & concurred

JOHN LANGDON Speaker

A true Copy

Attest JOSEPH PEARSON Sec^y

H Knox to His Excellency Gen^l Washington

New-York 5 March 1787.

[Letters to Washington, vol. LXXI p. 13.]

* * * * *

The legislature have this day made choice of delegates to represent this State who are, Col^o Hamilton, Judge Yates, and a M^r Lansing.

* * * * *

G Washington to Major General Knox.

Mount Vernon March 8th 1787

[Washington Papers, Letter-book 6 B, p. 31. Transcript. Substantially repeated in Washington to Humphreys, March 8, 1787; Washington Papers, Letter-book 6 B, p. 34. Transcript.]

* * * * *

I am glad to hear that Congress are about to remove some of the stumbling blocks which lay in the way of the proposed convention; a convention is an expedient I wish to see tried—after which if the present General Government is not efficient conviction of the propriety of a change of it, will disseminate through every rank and Class of people—till which however necessary it may appear in the eyes of the most discerning, my opinion is, that it cannot be effected without great contention, and much confusion. It is among the evils, and perhaps is not the smallest of democratical Governments, that the people must always feel before they will see.—when this happens they are roused to action—Hence it is that those kind of Governments are so slow—I am indirectly and delicately pressed to attend this Convention. Several reasons are opposed to it in my mind, and not the least, having declined, attending the General Meeting of the Cincinnati which is to be holden in Philadelphia,—at the same time on account of the disrespect it might seem to offer to that society was I to attend on another occasion. A thought has lately run through my mind however which is accompanied with embarrassment. It is wheather my non attendance in Convention will not be considered as dereliction to republicanism—nay more whether other motives may not (however injuriously) be ascribed to me for not exerting myself on this occasion in support of it under these circumstances let me pray you my dear Sir, to inform me confidentially what the Public expectation is on this head—that is whether I will, or ought

to be there; you are much in the way of obtaining the knowledge and I can depend upon your friendship candour and judgment in the communication of it as fair as it shall appear to you—My final determination (if what I have already given to the Executive of this State is not considered in that light) cannot be delayed beyond the time necessary for your reply.

G Washington to The Hon^{ble} John Jay.

Mount Vernon March 10th 1787

[Washington Papers Letter-book 6
B, p. 41. Transcript]

I stand Indebted to you for two letters. The first, introductory of M^r Anstey needed no apology—nor will any be necessary on future similar occasions. The other, of the 7th of January is on a very interesting subject deserving very particular attention.

How far the revision of the federal system, and giving more adequate powers to Congress may be productive of an efficient government, I will not, under my present view of the matter, presume to decide. That many inconveniencies result from the present form, none can deny. Those enumerated in your letter, are so obvious and sensibly felt that no logick can controvert, nor is it likely that any change of conduct will remove them, and that attempts to alter or amend it will be like the proppings of a house which is reedy to fall, and which no shoars can support (as many seem to think) may also be true. But, is the publick mind matured for such an important change as the one you have suggested?—What would be the consequences of a premature attempt?—My opinion is, that this Country must yet feel and see more, before it can be accomplished.

A thirst for power—and ⁿthe batling, I had liked to have said monster, ^{for}sovereignty, which have taken such fast hold of the States individually, will when joined by the many whose personal consequence in the [^{control}“sales” stricken out] of State politics will in a manner be annihilated, form a strong phalanx against it; and when to these the few who can hold posts of honor or profit in the National Government are compared with the many who will see but little prospect of being, noticed, and the discontent of others who may look for appointments, the opposition [^{will}“would” stricken out] be altogether irristable till the mass as well as the more discerning part of the Community shall see the necessity. Among men of refection, few will be found I believe, who are not beginning to think that our system is more perfect in theory than in practice; and that notwithstanding the boasted virtue of America it is more than probable we shall exhibit the last melancholy proof, that mankind are not competent to there own Government without the means of coercion in the Sovereign.—

Yet, I would fain try what the wisdom of the proposed Convention will suggest: and what can be effected by there Councils. It may be the last peaceable mode of essaying the practicability of the present form, without a greater lapse of time than the exigency of our affairs will allow. In strict propriety a Convention so holden may not be legal—Congress however may give it a colouring by recommendation which would fit it more to the taste without proceeding to a definition of the powers; This however constitutionally it might be done would not, in my opinion be expedient: for delicacy on the one hand, and Jealousy on the other, would produce a mere nihil:

My name is in the delegation to this Convention; but it was put there contrary to my desire, and remains contrary to my request. Several reasons at the time of this appointment and which yet exist, conspired to make an attendance inconvenient, perhaps improper tho' a good deal urged to it.—

P. S. Since writing this letter I have seen the resolution of Congress recommendary ^{to} of the Convention to be holden in Philadelphia the 2^d Monday in May.

M^r King to Col. Grayson & M^r Madison

[Madison Papers,
vol. XIV. p. 120.]

Monday morn^g 11. Mar. 1787

Extract of a Letter from a Gentleman in Boston of the 4th March 1787. to R King—

“——— has come back from Virginia with News that the Commissioners on the part of New York alarmed the Virginia Delegates, with an account that the Commissioners on the part of Massachusetts were for a Monarchy; & that those Delegates wrote their Legislature of it, who shut their Galaries and made a most serious Business of the Matter—pray let me know by the next Post what you hear of this, and what has been said”—

The Commissioners alluded to, are those who settled the late Territorial controversy between Massachusetts & New York—

M^r King presents his compliments to Col. Grayson & M^r Madison, and for the satisfaction of his friend, who wrote the Letter, from which the above is an Extract, begs to be informed whether they have any Knowledge of a Letter written by the Delegates of Virginia or any of them, con-

taining the information suggested in the Extract, or of any Proceedings of the Virginia Legislature of the nature alledged.

M^r K. intreats Col. Grayson and M^r Madison to have the Goodness to excuse the Freedom of this note, and hopes that they will be assured that nothing w^d have authorised this Enquiry except the anxiety of a worthy Gentlemen rendered uneasy by the foregoing charge—

[Letters to Washington, vol. LXXI, p. 28.]

Edm: Randolph to General Washington Mount Vernon.

Richmond March 11. 1787

I must call upon your friendship to excuse me for again mentioning the convention at Philadelphia. Your determination having been fixed on a thorough review of your situation, ["that" stricken out] I feel, like an intruder, when I again hint a wish, that you would join the delegation. But every day brings forth some new crisis, and the confederation is, I fear, the last anchor of our hope. Congress have taken up the subject, and appointed the second Monday in May next, as the day of meeting. Indeed from my private correspondence I doubt, whether the existence of that body even thro' this year may not be questionable under ["the" stricken out] our present circumstances.

[Letters to Washington, vol. LXXI, p. 40. Madison Papers, vol. II, p. 10. Copy.]

J^s Madison J^r to General Washington

New York March 18th 1787

* * * * *

The appointments for the Convention go on very successfully. Since the date of my last, Georgia, S. Carolina, N.

York, Mass^{ts} & N. Hampshire have come into the measure. Georgia & N. Hampshire have constituted their Delegates in Cong^r their representatives in the Convention. S. Carolina has appointed, M^r J. Rutledge, Gen^l Pinkney, M^r Laurens, Major Butler, and M^r Ch^r Pinkney late a member of Cong^r. The deputies of Mass^{ts} are M^r Dana, M^r King, M^r Ghoram, M^r Gerry, M^r Strong. I am told that a Resolution of the Legislature of this State which originated with their Senate lays its deputies under the fetter of not departing from the 5th of the present articles of Confederation. As this Resolution passed before the Recommendatory act of Congress was known, it is conjectured that it may be rescinded; but its having passed at all denotes a much great prevalence of political jealousy in that quarter than had been imagined. The deputation of N. York consists of Col. Hamilton, Judge Yates and a M^r Lansing. The two last are said to be pretty much linked to the antifederal party here, and are likely of course to be a clog on their on their colleague. It is not doubted now that Connecticut & R. Island will avoid the singularity of being unrepresented in the Convention.

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I hear from Richmond with much concern that M^r Henry has positively declined his mission to Philad^a. Besides the loss of his services on that theatre, there is danger I fear that this step has proceeded from a wish to leave his conduct unfettered on another theatre where the result of the Convention will receive its destiny from his omnipotence.

[Letters to Washington, vol. LXXI, p. 12.]

H KNOX to His Excellency General Washington

New-York 19 March 1787.

* * * * *

The opinion of Congress respecting the proposed convention has had good effects. It is now highly probable that the convention will be general. All the States have already chosen delegates to attend it, expecting Rhode-Island and Connecticut, and there can be but little doubt of their making a seasonable choice.

Your observations in favor of the experiment of a convention are conclusive—Our present federal government is indeed a name, a shadow, without power, or effect. We must either have a government, of the same materials, differently constructed, or we must have a government of events.

But should the convention possess the magnanimity to propose a wise modification of a national government, without regarding the present local, and contracted views, that the mass of the people in the respective States entertain of the subject, leaving to time, better information, and events to ripen their judgements much, much might be hoped. But if only propositions be obtained for bracing up the present radically defective thing, so as enable us to drag on with pain and labor, for a few years, then better had it been, that the idea of the convention had never been conceived.

As you have thought proper my dear Sir, to request my opinion respecting your attendance at the convention, I shall give it with the utmost sincerity and frankness.

I imagine that your own satisfaction and that of your friends will depend entirely on the result of the convention. For I take it for granted that however reluctantly you may

acquiesce, that you will be constrained to accept of the presidents Chair. Hence the proceedings of the convention will more immediately be appropriated to you than to any other person.

Were the convention to propose only amendments, and patch work to the present ^{defective} confederation, your reputation would in a degree suffer—But were an energetic, and judicious system to be proposed with your signature, it would be a circumstance highly honorable to your fame, in the judgement of the present and future ages; and doubly entitle you to the glorious republican epithet—The Father of your Country.

But the men generally chosen, being of the first information, great reliance may be placed on on the wisdom and vigor of their Councils and judgements, and therefore the balance of my opinion preponderates greatly in favor of your attendance.

I am persuaded that your name has had already great influence to induce the States to come into the measure,—That your attendance will be grateful, and your absence chagrining—That your presence would confer on the assembly a national complexion, and that it would more than any other circumstance induce a compliance to the propositions of the convention.

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D. Humphreys to Gen^l Washington

New Haven March 24th 1787

* * * * *

I may then with justice assert that so far from having seen any reason to change my opinion respecting the inex-

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[Letters to Washington, vol. LXXI
p. 52.]

pediency of your attending the Convention in May next, additional arguments have occurred to confirm me in the sentiment. The probability, which existed when I wrote before, that nothing general or effectual would be done by the Convention, amounts now almost to a certainty. For the Assembly of Rhode Island (as I am lately given to understand) have decided against sending any Representation. Connecticut is under the influence of a few such miserable, narrowminded & I may say wicked Politicians, that I question very much whether the Legislature will chuse Members to appear in the Convention; and if they do, my apprehension is still greater that they will be sent on purpose to impede any salutary measures that might be proposed. This, there is little doubt, is actually the case with N. York, as it is asserted, two out of their three Delegates are directly antifederal. What chance is there, then, that entire unanimity will prevail? Should this be the fact, however, would not the several Members, as it were, pledge themselves for the execution of their system? And would not this inevitably launch you again on a sea of Politics? As you justly observe matters must probably grow worse before they will be better.

Since I had the honour of addressing you last on this subject, I have been in the way of hearing the speculations of many different Characters on the proposed Convention, and their conjectures on the part you would act in consequence of your appointment to it. I have heard few express any sanguine expectations concerning the successful issue of the Meeting, & I think not one has judged it eligible for you to attend.

In this part of the Union, your not attending will not be considered either by the federal, or antifederal party, as a dereliction of Republicanism. The former believe it unimportant, or perhaps, injurious, to the national Interests for you to come forward at present—the latter look upon the Convention as rather intended to subvert than support Republicanism: and will readily excuse your Non-attendance.

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G Washington to The Marquis De la Fayette.

Mount Vernon March 25th 1787

[Washington Papers, Letter-book 6, B p 57. Transcript.]

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You will long ere this have heard of the Insurrections in the State of Massachusetts—to trace the causes of them would be difficult, and to detail their progress would be unnecessary as the steps taken by that government and the proceedings generally are very minutely related in the public gazettes with which I am informed you are regularly supplied. I shall therefore proceed to the more pleasing part of the business and inform you that the tumults are at an ^{and} end the principals fled to Canada. It is apprehended however that an act of the Legislature disfranchising those who were aiding or abetting, is pregnant with as much evil as good, as the operation is too extensiv.

These disorders are evident marks of a defective government; indeed the thinking part of the people of this Country are now so well satisfied of this fact that most of the Legislatures have appointed, & the rest it is said will appoint, delegates to meet at Philadelphia the second monday in may

next in general Convention of the States to revise, and correct the defects of the federal System. Congress have also recognized, & recommended the measure["s" erased]. what may be the result of this meeting is hardly within the scan of human wisdom to predict. It is considered however as the last essay to support the present form.

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[Washington Papers, Letter-book B, p 58. Transcript.]

G Washington to His Excellency Ed^d Randolph

Mount Vernon March 28th 1787

Your favor of the 11th did not come to my hand till the 24th and since then, till now, I have been too much indisposed to acknowledge the Receipt of it. To what cause to ascribe the detention of the letter I know not, as I never omit sending once, and often twice a week to the post office in Alexandria.

It was the decided intention of the letter I had the honor of writing to your Excellency the 21st of December last to inform you that it was not convenient for me to attend the Convention proposed to be holden in Philadelphia in my next.—and I had entertained hopes, that an other had been, or soon would be appointed in ^amy place; in as much as it is not only inconvenient for me to l^eave home, but because there will be, I apprehend, too much cause to arraign my conduct with inconsistency, in again appearing on a public theater, after a public declaration to the contrary, and because it will, I fear, have a tendency to sweep me back into the tide of public affairs, when retirement and ease is so essentially necessary for, and is so much desired by me.

However, as my friends, with a degree of sollicitude which

is unusual, seem to wish for my attendance on this occasion; I have come to a resolution to go, if my health will permit, provided from the lapse of time between the date of your Excellency's letter and this reply the Executive may not (the reverse of which would be highly pleasing to me) have turned their thoughts to some other character for independently of all other considerations, I have of late, been so much afflicted, of late with a Rheumatic complaint in my shoulder that at times I am hardly able to raise my hand to my head or turn myself in bed. This consequently might prevent my attendance—and eventually, a representation of the State, which would affect me more sensibly than the disorder that occasioned it.

If after the expression of these sentiments, the Executive should consider me as one of the delegates, I would thank your Excellency for the earliest advice of it, because, if I am able, and should go to Philadelphia, I shall have some previous arrangement to make, and would set off for that place the first, or second of May, that I may be there in time to account personally for my conduct to the General Meeting of the Cincinnati which is to convene the first Monday of that Month. My feelings would be much hurt if that body should, otherwise ascribe my attending the one and not the other occasion to a disrespectful inattention to the Society, when the fact is that I shall ever retain the most lively and affectionate regard for the Members of which it is composed, on account of their attachment to, and uniform support of me upon many trying occasions, as well as on account of their public virtues, patriotism and sufferings.

I hope your Excellency will be found among the attending Delegates. I should be glad to be informed who the others are.—and cannot conclude without once more and in emphatical terms, praying that if there is not a decided Representation in prospect without me, that another may be chosen in my room without ceremony, and without delay; for the reason already assigned; for it would be unfortunate indeed, if the State which was the mover of this Convention, should be unrepresented in it—

[Washington Papers. Letter-book 6
B, p. 61. Transcript.]

G Washington to The Hon^{ble} Jame Madison.

Mount Vernon March 31st 1787

* * * * *

I am glad to find that Congress have recommended to the States to appear in the Convention proposed to be holden in Philadelphia next May. I think the reasons in favor have the preponderancy of those against it. It is idle in my opinion, to suppose that the Sovereign can be insensible of the inadequacy of the powers under which it acts.—and that seeing they should not recommend a revision of the fœderal System; especially when it is considered by many as the only Constitutional mode by which the defects can be remedied—had Congress proceeded to a deliniation of the powers, it might have sounded an alarm—but as the case is, I do not conceive that it will have that effect.

* * * * *

I am fully of opinion that those who lean to a Monarchical government, have either not consulted the public mind, or that they live in a region (where the levelling principles in which they were bred being entirely eradicated)

is much more productive of Monarchical Ideas than are to be found in the Southern States where from the habitual distinctions which have always existed among the people one would have expected the first generation and the most rapid growth of them. I am also Clear that even admitting the utility—nay necessity of the form—yet that the period is not arrived for adopting the change without shaking the peace of this Country to its foundation. That a thorough reform of the present system is indispensable, none who have capacities to judge, will deny; and with hand, I hope the business will be essayed in a full Convention.—after which if more powers, and more decision is not found in the existing form. If it still wants energy and that secrecy and dispatch (either from the non attendance or the local views of its members) which is characteristic, of good Government—and if it shall be found (the contrary of which however I have always been more affraid of than of the abuse of them) that Congress will, upon all proper occasions exert the powers which are given, with a firm and steady hand instead of frittering them back to the States where the members, in place of viewing themselves in their National character, are too apt to be looking—I say after this essay is made if the system proves inefficient, conviction of the necessity of a change will be disseminated among all classes of the people. Then and not till then, in my opinion, can it be attempted without involving all the evils of civil discord. I confess however that my opinion of public virtue is so far changed that I have my doubts, whether any system without the means of Coercion in the Sovereign will enforce due obedience to the Ordinances of a general Government without which every thing else fails. Laws or ordinances

unobserved or partially attended to had better never have been made because the first is a meer nihil and the 2^d is productive of much jealousy and discontent. But what kind of coercion you may ask? This indeed will require thought, tho' the non Compliance of the States with the late requisition is an evidence ["however" stricken out] of the necessity. It is some what singular, that a State (new york) which used to be foremost in all Fœderal measures should now turn her face against them in almost every instance.

* * * * *

It gives me great pleasure to hear that there is a probability of a full Representation of the States in Convention; but if the delegates come to it under fetters, the Salutory ends proposed, will in my opinion be greatly embarrassed and retarded, if not altogether depeated. I am desirious of knowing how this matter is; as my wish is that the Convention may adopt no temporising expedients but probe the defects of the Constitution to the bottom, and provide a radical cure. Whether they are agreed to or not, a conduct of this kind will stamp wisdom and dignity on their proceedings and ^{hold up a light} ["luminary" stricken out] which sooner or later will ^{have} ["shed" stricken out] its influence.

* * * * *

The Papers of the
Continental Con-
gress, No. 18, Letter-
book B, p. 116. Trans-
cript

[Charles Thomson to John Sullivan]

Office of Sec^y of Congress March 31. 1787

I have rec^d the letters your Excellency did me the honor to write on the 11 & 30 July, the 26 August the 2 Oct^r the 25 Nov^r 1786 and the 24 Jan^y 1787 and have the honor to inform you that your letter of the 3 of this month with the

vote of the general Court appointing delegates to meet in convention at Philadelphia has been duly rec^d & communicated to Congress. The Act passed by the United States in Congress assembled on the 20 of feb^y & which I had the honor of transmitting to you in my letter of the 21, ["is" stricken out] so ["full an approbation of the ex" stricken out] fully expresses their opinion touching the expediency of a convention of deputies from the several States for the purpose of revising the articles of Confederation & reporting to Congress & the several legislatures such alterations & provisions therein as shall when agreed to in Congress & confirmed by the states render the federal Constitution adequate to the exigencies of government & the preversation of the Union, that your delegates will, I presume find no difficulty in proceeding to join the Convention conformably to the vote of the general Court

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Js. Madison Jr to [James Madison Sr.]

[Madison Papers,
vol. II. p. 105.]

N. York April 1. 1787.

* * * * *

Congress have remained very thin ever since my arrival, and have done but little business of importance. The general attention is now directed towards the approaching Convention. All the States have appointed deputies to it, except Connecticut, Maryland and Rho. Island. The first it is not doubted will appoint, and the second has already resolved on the expediency of the measure. Rho. Island alone has refused her concurrence. A majority of more than twenty in the Legislatnre of that State has refused to follow the general example. Being Conscious of the

wickedness of the measures they are pursuing they are afraid of every thing that may become a controul on them. Notwithstanding this prospect of a very full and respectable meeting, no very sanguine expectations can well be indulged. The probable diversity of opinions and prejudices, and of supposed or real interests among the States, renders the issue totally uncertain. The existing embarrassments and mortal diseases of the Confederacy form the only ground of hope, that the Spirit of concession on all sides may be produced by the general chaos or at least partition of the Union which offers itself as the alternative.

* * * * *

[Letters to Washington, vol. LXXI
p. 64.]

Edm: Randolph to General Washington Mount Vernon.

Richmond April 2. 1787.

Your favor of the 27th Ult^o was handed to me this moment.

Solicitous as I am for your aid at Philadelphia, I could not prevail upon myself to wish you to go, unless your health would fully permit. But indeed, my dear sir, every thing travels so fast to confusion, that I trust one grand effort will be made by the friends of the united states.

There is a decided prospect of a representation: and the board have peremptorily determined not to fill up another vacancy. The members, now in nomination ^{besides} are [^]yourself, M^r Madison, M^r Mason, M^r Wythe, M^r Blair, M^r R. H. Lee and myself.

You will oblige me by saying how I shall forward the money to be advanced from the treasury.

You recollect, that congress have altered the day of meeting to the 14th of may: at which time it is my purpose to take you by the hand.

John Jay to the Honorable John Adams Esq^r.—

New York 2^d April 1787

[The Papers of the
Continental Con-
gress, No. 121, p. 247.
Transcript.]

* * * * *

What good will result from the Convention to be convened in pursuance of the Resolution of which I also enclose a Copy is uncertain. Something is very necessary to be done; for our Difficulties encrease Day by Day. * * *

G Washington to The Hon. Major General Knox.

Mount Vernon April 2^d 1787

[Washington Pa-
pers, Letter-book 6
B, p. 68. Transcript.]

The early attention which you were so obliging as to pay to my letter of the 8th Ult^o is highly pleasing and flattering. Were you to continue to give me information on the same point you would add to the favor, as I see, or think I see reasons for and against my attendance in Convention so near an equilibrium as will cause me to determine upon either with diffidence—one of the reasons against it is a fear that all the States will not be represented. As some of them appear to have been unwillingly drawn into the measure, their Delegates will come with such fetters as will embarrass and perhaps render nugatory the whole proceeding. In either of these circumstance—that is a partial representation—or cramped powers, I should not like to be a sharer in the business. If the Delegates assemble with such powers as will enable the Convention to pobe the defects of the Constitution to the bottom, and point out radical cures—it would be an honourable employment; but not otherwise. These are matters you may possibly come at by means of your acquaintance with the Delegates in Congress who undoubtedly know what powers are given by their

respective States. You also can inform me what is the prevailing opinion with respect to my attendance or non attendance; and I would sincerely thank you for the confidential communication of it.

If I should attend the Convention, I will be in Philadelphia previous to the meeting of the Cencinnati where I shall hope and expect to meet you and some others of my particular friends the day before, in order that I may have a free and unreserved conference with you on the subject of it, for I assure you this is, ⁱⁿ my estimation, a business of a delicate nature.

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[Jefferson Papers,
series 2, vol. XLVI,
No. 13.]

Ra. Izard to Honble M^r Jefferson.

Charleston 4th April 1787.

* * * At present I feel much disinclined to it, & most heartily wish that M^r Madison may be elected whenever the Finances of Congress will admit of it. He is a Member of the Continental Convention which is to meet in Philadelphia next Month for the purpose of revising the articles of Confederation. If the powers of Congress can be so far extended as to give efficacy to the decisions of that body, the measure will assuredly contribute to the security, & happiness of the Continent. At present our affairs are by no means in a desireable state. * * *

* * * * *

David Ramsay to [Thomas Jefferson]

[Jefferson Papers,
series 2, vol. LXIX,
No. 14]Charleston April 7th 1787

* * * * *

Our eyes now are all fixed on the continental convention to be held in Philad^a in May next. Unless they make an efficient federal government I fear that the end of the matter will be an American monarch or rather three or more confederacies. In either case we have not labored in vain in effecting the late revolution for such arrangements might be made as would secure our happiness.

* * * * *

D. Humphreys to Gen^l Washington.[Letters to Wash-
ington, vol. LXXI
p. 80]Fairfield April 6th 1787.

Since I did myself the honor to address you on the 24th Ult^o I have been in New York, & find such a variety of opinions prevailing with respect to the Convention, that I think it expedient to write to you again on the subject.

General Knox has shewn to me, in confidence, his last letter to you; tho' I cannot concur in sentiments altogether, yet, I think with him, should you decide to be present at the Convention, it will be indispensable to arrive in Philadelphia the preceding week, in order to attend the Gen^l Meeting of the Cincinnati. This may palliate, perhaps, obviate one of my former objections.

I mentioned in my last that I had not conversed with a single character of consideration, who judged it proper for you to attend the Convention, I have now seen several who think it highly interesting that you should be there. Gouverneur Morris & some others have wished me to use

whatever influence I might have to induce you to come. I could not have promised this without counteracting my own judgment. I will not, however, hesitate to say, that I do not conceive your attendance can hazzard such personal ill consequences as were to be apprehended, before the proposed Meeting had been legitimated by the sanction of Congress.

If the difference of opinion amongst the Members of this national Assembly, should be as great, as the variety of sentiments concerning the result; the progress of business before it, will be attended with infinite perplexity & embarrassment. Besides the two primary objects of discussion, viz., 1st whether the old Constitution can be supported, or 2nd whether a new one must be established; I expect a serious proposal will be made for dividing the Continent into two or three separte Governments. Local politics & diversity of interests will undoubtedly find their way into the Convention. Nor need it be a matter of surprize to find there, as subjects of disagreement the whole western Country, as well as the Navigation of the Mississippi.

Should you think proper to attend, you will indisputably be elected President. This would give the measures a degree of national consequence in Europe & with Posterity. But how far (under some supposable case) your personal influence, unattended with other authority, may compose the jarring interests of a great number of discordant Individuals, & controul events, I will not take upon me to determine. We cannot augur any thing very favorable, if we are to judge of future dispositions by those exhibited since the War. * * *

* * * * *

H Knox to His Excellency Gen^l Washington

New-York 9 April 1787.

[Letters to Washington, vol. LXXI, p. 78.]

I thank you for your kind favor of the the second instant which I received by the last post.

Since my last to you, the legislature of Rhode-Island who seem to be unworthy of the rank of freemen, have rejected the proposition of the convention. But this may not be conclusive—The people themselves in that State may take the matter up, of which there is some probability, and send delegates—Connecticut will most probably come into the measure, their legislature being called with that intention—Maryland have resolved to send delegates.

I cannot learn that the delegates of any of the states are fettered with instructions excepting the state of Massachusetts, and the delegates do not I am persuaded consider their instructions of any moment. The present appearances are favorable to a general attendance—and that the delegates will have ample powers to point out radical cures for the present political evils.

It is the general wish that you should attend. It is conceived to be highly important to the success of the propositions of the convention.

The mass of the people feel the inconveniences of the present government, and ardently wish for such alterations as would remedy them. The alterations must be effected by wisdom and agreement, or by force—the convention appears the only mean to effect the alterations peaceably—It that should be unattended by a proper weight of wisdom and character, so as to carry into execution its propositions, we are to look to events, and force, for a remedy. Were you not then to attend the convention slander and malice

might suggest that force would be the most agreeable mode of reform to you. When civil commotion rages, no purity of character or services however exalted, can entirely shield from the shafts of calumny.

On the other hand the unbounded confidence the people have of your tried patriotism, and wisdom, would exceedingly facilitate the adoption of any important alterations that might be proposed by a convention of which you were a member, (& as I before hinted) and president.

* * * * *

The french packet has just arrived, by which I have a letter from the Marquis de la Fayette of the 7^h of February * * *

The Marquis looks forward to military employment in this Country for the reduction of the Western posts, and Canada. But one might venture to predict that no such operations will be undertaken, untill the government shall be radically amended—at present we are all imbecillity—

[Washington Papers, Letter-book 6
B, p 75. Transcript]

G Washington to His Excellency Gov^r Randolph

Mount Vernon April 9th 1787

In reply to your favor of the 2^d I have to request that you will not be at the trouble of forwarding any money to me from the treasury.

If I should attend the Service, it will suit me as well to receive it from you in Philadelphia as at this place. If I should not, I have no business with it at all.

It gives me pleasure to find by your letter that there will be so full a representation from this State. If the case had been otherwise I would in emphatical terms have urged again that, rather than depend upon my going, another

might be chosen in my place; for as a friend, and in confidence, I declare to you that my assent is given contrary to my judgment; because the act will, I apprehend, be considered as inconsistent with my public declaration delivered in a solemn manner at an interesting Era if my life, never more to intermeddle in public matters. This declaration not only stands on the files of Congress, but is I believe registered in almost all the Gazettes and magazines that are published—and what adds to the embarrassment is, I had previous to my appointment, informed by circular letter the several State Societies of the Cincinnati of my intention to decline the Presidency of that order & excused myself from attending the next General meeting at Philadelphia on the first Monday in May—assigning reasons for so doing which apply as well in the one case as the other. Add to these,—I very much fear that all the States will not appear in Convention, and that some of them will come fettered so as to impede rather than accelerate the great [^{object}“ends” stricken out] of their [^{convening}“calling” stricken out] which, under the peculiar circumstances of my case, would place me in a disagreeable Situation [^{more}“which no other” stricken out] [^{than any other}member “present” stricken out] would stand in. As I have yielded however to what appeared to be the earnest wishes of my friends, I will hope for the best;

Otto to S. E^c M^r Jefferson, Ministre Plenip^{re} à Paris.

[Jefferson Papers
series 2, vol. LXIV,
No. 10.]

A Newyork le 11. Avril 1787.

* * * * *

Vos Concitoyens, Monsieur, sont aussi sur le point d'avoir leur assemblée des notables. Elle doit se former en May prochain à Philad^e—Les yeux de toute l'Amerique sont fixés

sur ce nouveau Congrès, composé des hommes les plus distingués par leurs connoissances politiques leur poids et leur intégrité. Les observateurs les moins prevenus n'esperent pas cependant de voir finir tous les embarras, mais ils se flattent seulement que cette nouvelle Assemblée générale fournira une occasion de discuter à fonds les interets de l'union et d'examiner jusqu'à quel point les peuples doivent se depouiller de leur liberté. Le sacrifice sera certainement très grand, mais les circonstances le rendent indispensable. Vous connoissés mieux que moi, Monsieur, les avantages et les inconveniens de la confederation actnelle et je me borne à Vous exposer l'opinion du public éclairé.

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[Jefferson Papers,
series 2, vol. XL,
No. 40.]

F: Hopkinson to His Exc^y T. Jefferson Paris

Philad^a April 14th 1787

* * * * *
by Congress

The Mint is not yet established —indeed their Situation is such, that they can establish nothing—the States begin to see the necessity of some Alterations in the Terms of Confederation—And a respectable Delegation from most of the States are to meet here next Month, to prepare & recommend a new System of Federal Union— * * *

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[Madison Papers,
vol. XIV, p. 122.]

J Dawson to [James Madison]

Fredericksburg April 15. 87.

* * * * *

Much depends on the convention in May—the attention of almost every person is fix'd on that body—and shoud the

issue not be successful, wh I am very sorry to find, you suspect, I fear there will be an end to the General confederacy—you have I presume heard that Genl Washington has consented to attend — — — about that time I expect to have the pleasure of seeing you in Philadelphia—as my object is [^{to}“for” stricken out] gain information on many political points, which I presume will be investigated in the ablest manner, and wh will be very useful to me in the next assembly, I must renew a request I before made, that if it can be done with propriety, you will permit me to hear the debates—if it can not, I am sure you will give me any information in your power and I shall ever thank you, if you will, in case you arrive before me, engage a room in the house you put up at, convenient to yours—

* * * * *

J^r Madison Jr to [George Washington]

New York April 16. 1787

[Letters to Washington, vol. LXXI, p. 85. Madison Papers, vol. II, p. 166. Copy.]

I have been honoured with your letter of the 31 of March, and find with much pleasure that your views of the reform which ought to be pursued by the Convention, give a sanction to those which I have entertained. Temporising applications will dishonour the Councils which propose them, and may foment the internal malignity of the disease, at the same time that they produce an ostensible palliation of it. Radical attempts, although unsuccessful, will at least justify the authors of them.

Having been lately led to revolve the subject which is to undergo the discussion of the Convention, and formed in my mind some outlines of a ^{new} system, I take the liberty of submitting ^{them} without apology, to your eye.

Conceiving that an individual independence of the States is utterly irreconcilable with their aggregate sovereignty; and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable, I have sought for some middle ground, which may at once support a due supremacy of the national authority, and not exclude the local authorities wherever they can be subordinately useful.

I would propose as the ground-work that a change be made in the principle of representation. According to the present form of the Union in which the intervention of the States is in all great cases necessary to effectuate the measures of Congress, an equality of suffrage, does not destroy the inequality of importance, in the several members. No one will deny that Virginia and Mass^{ts} have more weight and influence both within & without Congress than Delaware or Rho. Island. Under a system which would operate in many essential points without the intervention of the State Legislatures, the case would be materially altered. A vote in the national Councils from Delaware, would then have the same effect and value as one from the largest State in the Union. I am ready to believe that such a change will not be attended with much difficulty. A majority of the States, and those of greatest influence, will regard it as favorable to them. To the Northern States it will be recommended by their present populousness; to the Southern by their expected advantage in this respect. The lesser States must in every event yield to the predominant will. But the consideration which particularly urges a change in the representation is that it will obviate the principal objections of the larger States to the necessary concessions of power.

I would propose next that in addition to the present federal powers, the national Government should be armed with positive and compleat authority in all cases which require uniformity; such as the regulation of trade, including the right of taxing both exports & imports, the fixing the terms and forms of naturalization, &c &c.

Over and above this positive power, a negative in all cases, whatsoever on the legislative acts of the States, as heretofore exercised by the Kingly prerogative, appears to me to be absolutely necessary, and to be the least possible encroachment on the State jurisdictions. Without this defensive power, every positive power that can be given on paper will be evaded & defeated. The States will continue to invade the national jurisdiction, to violate treaties and the law of nations & to harrass each other with rival and spiteful ["attempts" stricken out] measures dictated by mistaken views of interest. Another happy effect of this prerogative would be its controul on the internal vicisitudes of State policy, and the aggressions of interested majorities on the rights of minorities and of individuals. The great desideratum which has not yet been found for Republican Governments, seems to be some disinterested & dispassionate umpire in disputes between different passions & interests in the State. The majority ["alone has decided, and indeed ought to decide" stricken out] who alone have the right of decision, have frequently an interest real or supposed in abusing it. In Monarchies the sovereign is more neutral to the interests and views of different parties; but unfortunately he too often forms interests of his own repugnant to those of the whole. Might not the prerogative here suggested be found sufficiently ["neutral & impartial" stricken out] for

the decision of local questions of policy, whilst it would itself be sufficiently restrained from the pursuit of interests adverse to those of the whole Society? There has not been any moment since the peace at which the representatives of the Union would have given an assent to paper money or any other measure of a kindred nature.

The national supremacy ought also to be extended as I conceive to the Judiciary departments. If those who are to expound & apply the laws, are connected by their interests & their oaths with the particular States wholly, and not with the Union, the participation of the Union in the making of the laws may be possibly rendered unavailing. ["At least" stricken out] It seems at least necessary that the oaths of the Judges should include a fidelity to the general as well as local constitution, and that an appeal should lie to some national tribunals in all cases to which foreigners or inhabitants of other States may be parties. The admiralty jurisdiction seems to fall entirely within the purview of the national Government.

The national supremacy in the Executive departments is liable to some difficulty, unless the officers administering them could be made appointable by the supreme Government. The Militia ought certainly to be placed in some form or other under the authority which is intrusted with the general protection and defence.

A Government composed of such extensive powers should be well organized and balanced. The Legislative department might be divided into two branches; one of them chosen every years by the people at large, or by the legislatures; the other to consist of fewer members, to hold their places for a longer term, and to go out in such a rota-

tion as always to leave in office a large majority of old members. Perhaps the negative on the laws might be most conveniently exercised by this branch. As a further check, a council of revision including the great ministerial officers might be superadded.

A national Executive must also be provided. I have scarcely ventured as yet to form my own opinion either of the manner in which it ought to be constituted or of the authorities with which it ought to be clothed.

An article should be inserted expressly guarantying the tranquility of the States against internal as well as external dangers.

In like manner the right of coercion should be expressly declared. With the resources of Commerce in hand, the national administration might always find means of exerting it either by sea or land; But the difficulty & awkwardness of operating ^{by force} on the collective will of a State, render it particularly desirable that the necessity of it might be precluded. Perhaps the negative on the laws might create such a mutuality of dependence between the General and particular authorities, as to answer this purpose, or perhaps some defined objects of taxation might be submitted along with commerce, to the general authority.

To give a new System its proper validity and energy, a ratification must be obtained from the people, and not merely from the ordinary authority of the Legislatures. This will be the more essential as inroads on the existing Constitutions of the States will be unavoidable.

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[Jefferson Papers,
series 2, vol. XXXIII,
No. 23.]

B Franklin to H. E. Thomas Jefferson Esq^e

Philad^a April 19. 1787—

* * * * *

Our Federal Constitution is generally thought defective, and a Convention, first propos'd by Virginia, and since recommended by Congress, is to assemble here next Month, to revise it & propose Amendments. The Delegates generally appointed as far as I have heard of them are Men of Character for Prudence and Ability, so that I hope Good from their Meeting. Indeed if it does not do Good it must do Harm, as it will show that we have not Wisdom enough among us to govern ourselves; and will strengthen the Opinion of some Political Writers, that popular Governments cannot long support themselves.

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[Madison Papers,
vol. II p. 108.]

J^s Madison J^r to Honble Chancellor Pendleton

New York April 22. 1787

* * * * *

We are flattered with the prospect of a pretty full and very respectable meeting in next month. All the States have made appointments except Connecticut Maryland & Rh. Island. The last has refused. Maryland will certainly concur. The temper of Connecticut is equivocal. The turn of her elections which are now going on, is said to be rather unpropitious. The absence of one or two States however will not materially affect the deliberations of the Convention. Disagreement in opinion among those present is much more likely to embarrass us. The nearer the crisis approaches, the more I tremble for the issue. The necessity of gaining the concurrence of the Convention in

some system that will answer the purpose, [^{the subsequent approbation} "the subsequent assent" stricken out] of Congress, and the final sanction of the States, presents a series of chances, which would inspire despair in any case where the alternative was less formidable. The difficulty too is not a little increased by the necessity which will be produced by encroachments on the ^{State} Constitutions, of obtaining not merely the assent of the Legislatures, but the ratification of the people themselves. Indeed if such encroachments could be avoided, a higher sanction than the Legislative authority would be necessary to render the laws of the Confederacy paramount to the Acts of its members.

* * * * *

Monday April 23. 1787

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On motion of M^r Carrington seconded by M^r Johnson Resolved That the privilege of sending & receiving letters and packets free of postage be extended to the members of the Convention to be held in Philadelphia on the second Monday in May next in the same manner as ["the same" stricken out] is allowed to the members of Congress.—

[The Papers of the Continental Congress, No. 1, vol. XXXVIII]

W. Jackson to His Excellency General Washington Mount-
Vernon

[Letters to Washington, vol. LXXI, p. 97]

Flattered by the opinions of some of my friends, who have expressed a wish that I would offer myself a Candidate for the Office of Secretary to the federal Convention—I presume to communicate to you my intention—and to request (so far as you shall deem it consonant with the more important

interests of the Public) your influence in procuring me the honor of that appointment.

To say more on this subject would be to offend against that generous friendship, which I am persuaded, if held compatible with the service of our Country, will prompt an active goodness in my favor.

[INDORSEMENT.]

From W. Jackson Esq^r rec^d 24th Apr^l 1787

[Jefferson Papers,
series 2, vol. XIII, No
99]

Ed. Carrington to His Excell^y Tho^s Jefferson Esq^r

New York April 24. 1787

* * * * *

You have doubtless been informed of the the measure of a general Convention which was proposed by Virginia in the fall session, for revising and, thoroughly, amending the Confederation. Some of the States hesitated upon the adoption of the measure, as being unauthorised by Congress, and, of course, improper—to remove every possible difficulty, Congress came to a resolution in February, recommending its adoption; all the States have appointed deputies except Maryland, Connecticut and Rhode Island—Maryland is now in session, and that she will appoint, is not doubted—Connecticut is also in session, and it is believed will appoint—Rhode Island is at all points so anti-federal, and contemptible, that her neglecting the invitation, will probably occasion no demur whatever in the proceedings. the meeting is to take place in Philad^a [“in May” stricken out] the second Monday in May. Various are the conjectures as to the issue of this meeting, and still more various are the suggested remedies to the defects of our system. I am rather a zealot in the measure because it

will operate, at least as an alarm, but whether it will be productive of any immediate effects, may be doubtful. perhaps that experiment has not yet been made of the present System, which could discover its defects, or point to their remedies;—I am certain it is very imperfect, but at the same time there are [“other” stricken out] evident causes, for its failure, other than those of defectiveness in the constructure. the best of Governments, like other things, can prosper alone by due attention. America was placed in possession of peace and independence under circumstances which have not only deprived her ^{political systems} of the necessary care of her Citizens, but exposed her to the injurious designs of men, whose interest it has been, to destroy the efficiency of Government—a great proportion of the people, being loaded with debt, have found an interest in promoting measures directly opposed to ^{good} government, and have been solicitous to direct the public affairs, whilst better men have been inactive, or, engrossed by the alluring invitation of ease and plenty in our vast Western & southern Regions.

the deputies to the convention for Virginia are Gen^l Washington, E. Randolph, G. Wythe, John Blair, Geo Mason, J Madison & Ja^s McChurg—M^r Henry, M^r R. H. Lee & Gen^l Nelson have declined appointments which were offered them. Gen^l Washington it is hoped will attend, but there is some reason to apprehend the contrary—his state of health is not a good one.

I am pleased to hear ^{of} the impressions which have been received in Europe with respect to the late commotions in Massachusetts. a perfect quiet prevails there now, but it is said the elections for the ensuing year are not free of the influence of the malcontents.

The Convention will be productive of things worth communicating to you, and I will do myself the pleasure to write by the first opportunity that offers after its commencement.

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[The Papers of the
Continental Congress,
No. 121, p. 249
Transcript]

John Jay to the Honorable Thomas Jefferson Esquire

New York 24th April 1787

* * * * *

The Convention of which you have been informed will convene next Month at Philadelphia. It is said that General Washington accepts his Appointment to it and will attend. I wish their Counsels may better our Situation; but I am not sanguine in my Expectations. There is Reason to fear that our Errors do not proceed from Want of Knowledge, and therefore that Reason and public Spirit will require the Aid of Calamity to render their Dictates effectnal.—

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[Washington Papers—Letter-book 6
B, p. 600—Transcript]

G Washington to Major General Knox.

Mount Vernon April 27th 1787.

After every consideration my Judgment was able to give the subject, I had determined to yield to the wishes of many of my friends who seemed anxious for my attending the Convention which is proposed to be holden in Philadelphia the 2^d Monday of May—and though so much afflicted with a Rheumatick complaint (of which I have not been entirely free for Six months) as to be under the necessity of carrying my arm in a Sling for the last ten days, I had fixed on Monday next for my departure, and had made every necessary arrangement for the purpose when (within

this hour.) I am called by an express, who assures me not a moment is to be lost, to see a mother and only Sister (who are supposed to be in the agonies of Death) expire; and I am hastening to obey this Melancholy call, after having just buried a Brother who was the intimate companion of my youth, and the friend of my ripened age. This Journey of mine then, 100 miles in the disordered frame of my body, will, I am persnaded, unfit me for the intended trip to Philadelphia, and assuredly prevent my offering that tribute of respect to my compatriots in Arms which results from Affection and gratitude for their attachment to, and support of me, upon so many trying occasions

For this purpose it was, as I had (tho' with a good deal of Reluctance) consented, from a conviction that our affairs were verging fast to ruin, to depart from the resolution I had taken of never more stepping out of the walks of private life, that I determined to shew my respect to the General meeting of the Society by coming there the week before.

* * * * *

Will^m Grayson to [James Mouroe]

[Monroe Papers
vol. VII, p. 866.]

N York Ap^l 30th 1787.

* * * * *

The Convention are to meet soon, but am satisfied will effect nothing: or if they do, that y^e States will not confirm—

* * * * *

April. 1787.

[Madison Papers,
vol. II, p. 109, and vol.
XII, p. 53.]

Views of the Political
System of the
U. States

Observations by J. M. (A copy taken by permission by Danl
Carroll & sent to Ch^s Carroll of Carrollton)

1. Failure of the
States to comply with
the constitutional re-
quisitions.

1. This evil has been so fully experienced both during
the war and since the peace, results so naturally from the
number and independent authority of the States and has been
so uniformly exemplified in every similar Confederacy, that
it may be considered as ^{not less} radically and permanently inherent
in ["the present System" stricken out] than it is fatal to the
object of, the present System.

2. Encroachments
by the States on the
federal authority.

2. Examples of this are numerous and repetitions may be
foreseen in almost every case where any favorite object of a
State shall present a temptation. Among these examples
are the wars and Treaties of Georgia with the Indians—The
unlicensed compacts between Virginia and Maryland, and
between Penn^a & N. Jersey—the troops raised and to be kept
up by Mass^{ts}

3. Violations of the
law of nations and of
treaties

3. From the number of Legislatures, the sphere of life
from which most of their members are taken, and the circum-
stances under which their legislative business is carried on,
irregularities of this kind must frequently happen. Accord-
ingly not a year has passed without instances of them in
some one or other of the States. The Treaty of peace—the
treaty with France—the treaty with Holland have each been
violated. [See the complaints to Congress on these
subjects]. The causes of these irregularities must neces-
sarily produce frequent violations of the law of nations in
other respects.

As yet foreign powers have not been rigorous in animad-
verting on us. This moderation however cannot be mistaken

for a permanent partiality to our faults, or a permanent security ag^t those disputes with ["foreign" stricken out] other nations, which being among the greatest of public calamities, it ought to be ["the" stricken out] least in the power of any part of the Community to bring on the whole

4. These are alarming symptoms, and may be daily apprehended as we are admonished by daily experience. See the law of Virginia restricting foreign vessels to certain ports—of Maryland in favor of vessels belonging to her own citizens—of N. York in favor of the same—

4. Trespasses of the States on the rights of each other.

Paper money, instalments of debts, occlusion of Courts, making property a legal tender, may likewise be deemed aggressions on the rights of other States. As ["all the States" stricken out] the Citizens of every State aggregately taken stand more or less in the relation of Creditors or debtors, to the Citizens of every other States, Acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner, as they do its own citizens who are relatively creditors towards other citizens. This remark may be extended to foreign nations. If the ^{exclusive} regulation of the value and alloy of coin was properly delegated to the federal authority, the ["reason of it" stricken out] policy of it equally requires a controul on the States in the cases above mentioned. It must have been meant 1. to preserve uniformity in the circulating medium throughout the nation. 2. to prevent those frands on the citizens of other States, and the subjects of foreign powers, which might disturb the tranquility at home, or involve the Union in foreign contests.

The practice of many States in restricting the commercial intercourse with other States, and putting their

productions and manufactures on the ^{same} footing with those of foreign nations, though not contrary to the federal articles, is certainly adverse to the spirit of the Union, and tends to beget retaliating regulations, not less expensive & vexatious in themselves than they are destructive of the general harmony.

5 want of concert in matters where common interest requires it

5. This defect is strongly illustrated in the state of our commercial affairs. How much has the national dignity, interest, and revenue suffered from this cause? Instances of inferior moment are the want of uniformity in the laws concerning naturalization & literary property; of provision for national seminaries, for grants of incorporation ["in cases" stricken out] for national purposes, for canals and other of general utility, w^{ch} ^{works} may at present be defeated by the perverseness of particular States whose concurrence is necessary.

6 want of ["general" stricken out] Guaranty to the States of their Constitutions & laws against internal violence

6. The confederation is silent on this point, and therefore by the second article the hands of the federal authority are tied. According to Republican Theory, Right and power being both vested in the majority, are held to be synonymous. According to fact and experience a minority may in an appeal to force, be an overmatch for the majority. 1. if the minority happen to include all such as possess the skill and habits of military life, & such as possess the great pecuniary resources, one third only may conquer the remaining two thirds. 2. one third of those who participate in the choice of the rulers, may be rendered a majority by the accession of those whose poverty excludes them from a right of suffrage, and who for obvious reasons will be more likely to ["take" stricken out] join the standard of sedition, than

["of" stricken out] that of the established Government.
 3. where slavery exists the Republican Theory becomes
 still ^{more} fallacious.

7. A sanction is essential to the idea of law, as coercion is
 to that of Government. The federal system ["is" stricken
 out] ^{being} destitute of both, wants the great vital principles of a
 Political Constution. Under the form of such a Constitu-
 tion, it is in fact nothing more than a treaty of amity
 ["and" stricken out] of commerce and of alliance, between
 ["so many" stricken out] independent and Sovereign States.
 From what cause could so fatal an omission have happened
 in the articles of Confederation? from a mistaken confidence
 ["in the compilers of them" stricken out], that the justice,
 the good faith, the honor, the sound policy, of the several
 legislative assemblies would render superfluous any appeal
 to the ordinary motives by which the laws secure the obedi-
 ence of individuals: a confidence which does honor to the
 enthusiastic virtue of the ^{compilers}, as much as the inexperience ^{of the crisis} apolo-
 gizes for ^{their} errors. The ["experience" ^{time} has" stricken out] ^{which has since elapsed} has
 had the double effect, of increasing the light and tempering
 the warmth, ^{with which the arduous work may be revised} ["of those who may revise the arduous work"
 stricken out]. It is no longer doubted that a unanimous
 and punctual obedience of 13 independent bodies, to the acts
 of the federal Government, ought not to be calculated on.
 Even during the war, when external danger supplied in
 some degree the defect of legal & coercive sanctions, how
 imperfectly did the States fulfil their obligations to the
 Union? In time of peace, we see already what is to be
 expected. How indeed could it be otherwise? In the first

place, Every general act of the Union must necessarily bear unequally hard on some particular member or members of it. secondly the partiality of the members to their own interests and rights, a partiality which will be fostered by the Cour-tiers of popularity, will naturally exaggerate the inequality where it exists, and even suspect it where it has no existence. thirdly a distrust of the voluntary compliance of each other may prevent the compliance of any, although it should be the latent disposition of all. Here are ^{causes &}pretexts which will never fail to render federal measures abortive. If the laws of the States were merely recommendatory to their Citizens, or if they were to be rejudged by County authorities, what security, what probability would exist, that they would be carried into execution? Is the security or probability greater in favor of the acts of Cong^s which depending for their execu-^{the will of}tion on the State ["authority" stricken out] legislatures, ^{web}are tho' nominally authoritative, in fact recommendatory only.

8. Want of ratifica-
tion by the people of
the articles of Con-
federation.

8. In some of the States the Confederation is recognized by, and forms a part of the constitution. In others however it has received no other sanction than that of the Legislative authority. From this defect two evils result: 1. Whenever a law of a State happens to be repugnant to an Act of Congress, particularly when the latter is of ["subsequent" stricken out] posterior date to the former, it will be at least question-able whether the latter must not prevail; and as the question must be decided by ["Judges" stricken out] the Tribunals of the State, they will be most likely to lean on the side of the State. 2. As far as the Union of the States is to be regarded as a league of sovereign powers, and not as a politi-cal Constitution by virtue of which they are become one

Sovereign power, so far [^{application of "stricken out" it seems to follow from the} "a countenance is given to the" ^{of compacts} stricken out] doctrine, that a breach of any of the articles of the [^{confederation} "league or convention" stricken out] by any of the parties to it, absolves the other parties from their respective Obligations, and gives them a right if they chuse to exert it, of dissolving the Union altogether.

9. In developing the evils which viciate the political system of the U. S. it is proper to include those which are found within the States individually, as well as those which directly affect the States collectively, since the former class have an indirect influence on the general malady and must not be overlooked in forming a compleat remedy. Among the evils ^{then} of our situation may well be ranked the multiplicity of laws from which no State is exempt. As far as laws are necessary [^{then} "guards for liberty" stricken out], to mark with precision the duties of those who are to obey them, and to take from those who are to administer them a discretion, which might be abused, their number ^{is} the price of liberty. ^{laws exceed ["in number" stricken out]} As far as the ^{most} this limit, they are a nuisance of the ^{pestilent kind}. Try the Codes of the several States by this test, and what a luxurianey of legislation do they present. The short period of independency has filled as many pages as the century which preceded it. Every year, almost every session, adds a new volume. This may be the effect in part, but it can only be in part, of the situation in [^{several Codes} "to" stricken out] which the revolution has placed us. A review of the [^{several Codes} "Acts of any one State" stricken out] will shew that every necessary and useful part of the least voluminous of them might be compressed into one tenth of the compass, and at the same time be rendered ten-fold as perspicuous.

10. Mutability of
the laws of the States.

10. This evil is intimately connected with the former yet deserves a distinct notice, as it emphatically [“betrays” stricken out]^{denotes} a vicious legislation. We daily see laws repealed or superseded, before any trial can have been made of their ^{merits:} and even before a knowledge of them can have reached the remoter districts within which they were to operate. In the regulations of trade this instability becomes a snare not only to our citizens but to foreigners also.

11. Injustice of the
laws of States.

11. If the multiplicity and mutability of [“State” stricken out] laws prove a want of wisdom, their injustice betrays a defect still more alarming: more alarming not merely because it is a greater evil in itself; but because it brings more into question the fundamental principle of republican Government, that the majority who rule in such Governments, are the safest Guardians both of [“the” stricken out] public Good and of private right. To what causes is this evil to be ascribed?

These causes lie 1. in the Representative bodies.

2. in the people themselves.

1. Representative appointments are sought from 3 motives. 1. ambition 2. personal interest. 3. public good. Unhappily the two first are proved by experience to be most prevalent. Hence the candidates who feel them, particularly, the second, are most industrious, and most successful in pursuing their object: and forming often a majority in the legislative Councils, with interested views, contrary to the interest, and views, of their constituents, join in a perfidious sacrifice of the latter to the former. A succeeding election it might be supposed, would displace the offenders, and [“redress the iniquity”^{repair the mischief.} stricken out]. But how easily are base and selfish measures,

masked by pretexts of public good and apparent expediency? How ["easily" stricken out]^{frequently} will a repetition of the same arts and industry which succeeded in the first instance, again prevail on the unwary to misplace their confidence?

How frequently too will the honest but unenlightened representative be the dupe of a favorite leader, veiling his selfish views under the professions of public good, and varnishing his sophistical arguments with the glowing colours of popular eloquence?

2. A more fatal if not more frequent cause, lies among the people themselves. All civilized societies are divided into different interests and factions, as they happen to be creditors or debtors—Rich or poor—husbandmen, merchants or manufacturers—members of different religious sects—followers of different political leaders—inhabitants of different districts—owners of different kinds of property &c &c. In republican Government the majority however composed, ultimately give the law. Whenever therefore an apparent interest or common passion unites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals? Three motives only 1. a prudent regard to their own good as involved in the general and permanent good of the Community. This consideration, ["if duly" stricken out] although of decisive weight in itself, is found by experience to be too often unheeded. It is too often forgotten, by nations as well as by individuals that honesty is the best policy. 2^{dly} respect for character. However strong this motive may be in individuals, it is ["not" stricken out] considered as ["a" stricken out] very insufficient to restrain["t of" stricken out] them from injustice. In a multitude its efficacy is diminished in proportion to the num-

ber which is to share the praise or the blame. Besides, as it has reference to public opinion, which within a particular Society, is the opinion of the majority, the standard is fixed by those ["very authority" stricken out] whose conduct is to be measured by it. The public opinion without the Society, will be little respected by the people at large of any Country. Individuals of extended views, and of national pride, may bring the public proceedings to this standard, but the example will never be followed by the multitude. Is it to be imagined that an ordinary citizen ^{or even assembly-man} of R. Island in estimating the policy of paper money, ever considered or cared, in what light the measure would be viewed in France or Holland; or even in Mass^{ts} or Connec^t? It was a sufficient temptation to both that it was for their interest: it was a sufficient sanction to the latter that it was popular in the State; to the former that it was so in the neighbourhood. 3^{dly} will Religion ^{is} the only remaining motive be a sufficient restraint? It not pretended to be such on ^{men} individually considered. Will its effect be greater on them considered in an aggregate view? quite the reverse. The conduct of every popular assembly acting on oath, the strongest ^{of religious ties,} ["tie religion affords," stricken out] proves that individuals join ["tly" stricken out] without remorse in acts, against which their consciences would revolt if proposed to them under the like ^{indeed} ["ly" erased] sanction, separately in their closets. When Religion is kindled into enthusiasm, its force like that of other passions, is increased ["indeed with" stricken out] by the sympathy of a multitude. But enthusiasm is only a temporary state of religion, and while it lasts will hardly be seen with pleasure at the helm of Government. ^{Besides} as religion in its coolest state, is not infallible, it may become a motive to oppression as

well as a restraint from injustice. place three individuals in a situation wherein the interest of each depends on the voice of the ["two" stricken out] others; and give to two of them an interest opposed to ^{the rights} ["that" stricken out] of the third? Will the latter be secure? The prudence of every man ^{would} ["will" stricken out] shun the danger. ["All the forms of justice are dictated The principle of" stricken out] ^{The rules & forms of justice suppose & guard against it} _^. Will two thousand in a like situation be less likely to encroach on the rights of one thousand? The contrary is witnessed by the notorious factions & oppressions which take place in corporate towns ["with" stricken out] limited as the opportunities are, and in little Republics when uncontrouled by apprehensions of external danger. If an enlargement of the sphere is found to lessen the insecurity of private rights, it is not because the impulse of a common interest or passion is less predominant in this case with the majority; but because a common interest or passion is less apt to be felt and the requisite combinations less easy to be formed by a great than by a small number. The Society becomes broken into a greater variety of interests, of pursuits ["and" stricken out] of passions, which check each other, whilst those who may feel a common sentiment have less opportunity of ^{communication} and concert. It may be inferred that the inconveniences of popular ^{States} contrary to the prevailing Theory, are in proportion not to the extent, but to the narrowness of their limits.

The great desideratum in Government is such a modification of the Sovereignty as will render it sufficiently neutral ^{between} ["to" stricken out] the different interests and factions, to controul one part from invading the rights of another, and ^{of the Society} _^ at the same time sufficiently controuled itself, from setting

up an interest adverse to that of the whole Society. In absolute Monarchies, the prince is sufficiently, neutral towards his subjects, but frequently sacrifices their happiness to his ambition or his avarice. In small Republics, the sovereign will is sufficiently controuled from such a sacrifice of the entire Society; but is not sufficiently neutral towards the parts composing it. [“As a limitation of the power of the Monarch in the first case” stricken out] As a limited Monarchy tempers the evils of an absolute one; so an extensive Republic meliorates the ^{administration} of a small Republic.

An auxiliary ^{de}desiratum for the melioration of the Republican form is such [^]a process of elections as will most certainly extract from the mass of the Society the purest and noblest characters which it contains; such as will at once feel [“most the” stricken out] most strongly the proper motives to pursue the end of their appointment, and be most capable to devise the proper means of attaining it.

¹² Impotence of
the laws of the
States.

[Jefferson Papers,
series 2, vol. XXXIII,
No. 14]

W^m Fleming to [Thomas Jefferson]

Richmond, 2^d May, 1787.

* * * * *

You have, no doubt sir, been informed that a congress, to be composed of delegates from the several states in the union, elected for the especial purpose of reforming the Confederation, are to meet in Philadelphia, early in this month. The members from this state are General Washington, Geo: Mason Geo. Wythe, John Blair Edm^d Randolph James Madison,—and Doctor M^cClurg, instead of P: Henry, who did not accept his appointment. Expectations are formed

that this convention will lay a foundation for energy and Stability in our federal government, and for rendering us, as a nation, more respected abroad; though I am apprehensive, as there are many different objects & interests to reconcile, it will be a work of time & of difficulty.

* * * * *

John Adams to His Excellency John Jay Secretary &c
Grosvenor Square, London May 8. 1787

[The Papers of the Continental Congress, No. 84, vol. VI, p. 473. Also No. 106, vol. VI, p. 312. Transcript.]

* * * The Convention at Phyladelphia, is to consist of Members, of such Ability, Weight, and Experience, that their Result must be beneficial to the United States.

The settlement of so many great Controversies such as those between the Massachusetts and New York Pensilvani^a and Connecticut, New York and Vermont &c show that the Union has great weight in the Minds of the People. It is indeed an Object of such Magnitude, that great sacrifices ought to be made to its Preservation. The Consequences of a Division of the Continent cannot be foreseen fully, perhaps by any Man; but the most short sighted must perceive such manifest danger both from foreign Powers, and from one another as cannot be looked upon, without terror. * * *

* * * * *

John Jay to Col^l W. S. Smith.—

New York 12th May 1787

[The Papers of the Continental Congress, No. 121, p. 255. Transcript.]

* * * * *

Our Affairs in general are in a fluctuating Situation, and so they will continue until more Stability shall be introduced into our national Government and Councils. What Effects

will be produced by the Convention cannot ^{well} be conjectured. It is an agreeable Circumstance that no Evil is to be apprehended from them, and that much good may eventually result from their Deliberations—but how soon is very uncertain.—

[Madison Papers, vol. XII, p. 104. A copy in Washington's handwriting in pamphlet form is among the Washington Papers.]

Ancient & Modern Confederacies Lycian Confederacy

In this confederacy the number of votes allotted to each member was proportioned to its pecuniary contributions. The Judges and Town magistrates were elected by the general authority in like proportion.

See Montesquieu who prefers this ^{mode}

The name of a federal republic may be refused to Lyeia which Montesquieu cites as an example in which the importance of the members determined the proportion of their votes in the ["federal" stricken out] ^{general} Councils. The Gryson Leagne is a juster example. Code de l'Hum.—Confederatio

Lyciorum quoque ἀρχαίαι celebrat Strabo: de quâ panca libet heic subjungere. . Fuere eorum urbes XXIII, distinctæ in classes tres pro modo virium. In primâ classe censebantur maximæ sex, in alterâ mediæ, numero nobis incerto, in tertiâ reliquæ omnes, quarum fortuna minima. Et singulæ quidem urbes hæ domi res suas eurabant, magistratus suos, ordinemque civilem suum habebant: universæ tamen in unum coëuntes unam communem rempublicam constituebant, concilioque utebantur uno, velut, senatu majore. In eo de bello, de pace, de fœderibus, denique de rerum Lyciacarum summâ deliberabant & statuebant. Coibant vero in concilium hoc ex singulis urbibus missi cum potestate ferendi suffragii:

utebanturque eâ in re jure æquissimo. Nam quælibet urbs primæ classis habebat jus suffragiorum trium, secundæ duorum, tertiæ unius. Eademque proportionē tributa quoque conferebant, et munia alia obibant. Quemadmodum enim ratio ipsa dictat, et poscit æquitas, ut plura qui possident, et cæteris ditiores sunt, plura etiam in usus communes, et reipublicæ subsidia conferant, sic quoque eadem æquitatis regula postulat, ut in statuendo de re communi iidem illi plus aliis possint: præsertim cum eorundem magis intersit rempublicam esse salvam quam tenuiorum. Locum concilii hujus non habebant fixum & certum, sed, ex omnibus urbem deligebant, quæ videbatur pro tempore commodissima. Concilio coacto primum designabant Lyciarcham principem totius Reipublicæ, dein magistratus alios creabant, partes reipublicæ administraturos, demum judicia publica constituebant. Atque hæc omnia faciebant servatâ proportionē eadem, ut nulla omnino urbs præteriretur munerumve aut honorum horum non fieret particeps. Et hoc jus illibatum mansit Lyciis ad id usque tempus, quo Romani assumpto Asiæ imperio magnâ ex parte sui arbitrii id fecerunt.

Ubbö Emmius de Republica Lyciorum in Asia.

Amphyctionic Confederacy

instituted by Amphyction son of Dencalion King of Athens
1522 years Ant: Christ: Code De l'Humanité Seated first at Thermopylæ, then at Delphos, afterwards at these places alternately. It met half yearly to wit in the Spring & Fall, besides extraordinary occasions. Id. In the latter meetings, all such of the Greeks as happened to be at Delphos on a religious errand were admitted to deliberate, but not to vote. Encyclopedie.

The number and names of the confederated Cities differently reported. The Union seems to have consisted originally of the Delphians and their neighbours only, and by degrees to have comprehended all Greece. 10, 11, 12 are the different numbers of members mentioned by different Authors. Code de l'Humanité.

Each City sent two deputies one to attend particularly to Religious matters—the other to civil and criminal matters affecting individuals—both to decide on matters of a general nature. Id. Sometimes more than two were sent, but they had two votes only. Encyclop.

^{The Amphyctions} took an oath mutually to defend and protect the united Cities—to inflict vengeance on those who should sacrilegiously despoil the temple of Delphos—to punish the violators of this oath—and never to divert the water courses of any of the Amphyctionic Cities either in peace or in war.

Code de l'Hum.

Æschines orat: vs Ctesiphon

The Amphyctionic Council was instituted by way of defence and terror ag^t the Barbarians. Dict^{re} de Treviux.

Federal authority—

The Amphyctions had full power to propose and resolve whatever they judged useful to Greece. ^{Pol. & Econ.} Encyclop_Λ.

1. They judged in the last resort all differences between the Amphyctionic Cities. Code de l'Hum.

2. mulcted the aggressors. Id

3. employed whole force of Greece ag^t such as refused to execute its decrees. Id. & Plutarch—Cimon

4. guarded the immense Riches of the Temple at Delphos, and decided controversies between the inhabitants and those who came to consult the Oracle. Encyclop.

5. superintended the Pythian Games. Code de l'Hum.

6. exercised right of admitting new members.

see Decree admitting Philip, in Demosthenes on Crown.

7. Appointed General of the federal troops with full powers to carry their decrees into execution. Ibid.

8. carried on war. Code de l'Human.

Strabo says that the Council of Amphyetions was dissolved in the time of Augustus: but Pausanias, who lived in the time of Antoninus Pius says it remained entire then, and that the number of Amphyetions was thirty.

Potter's Gre. Ant: Vol. 1. p. 90.

The institution declined on the admission of Phil and in the time of the Roman Emperors, the functions of the Council were reduced to the administration & police of the Temple. This limited authority expired only with the Pagan Religion. Code de l'Human.

Vices of the Constitution.

It happened but too often that the Deputies of the strongest Cities awed and corrupted those of the weaker, and that Judgment ^{went} in favor of the most powerful party. Id.

see also Plutarch's Themistocles

Greece was the victim of Philip. If her Confederation had been stricter, & been persevered in, she would never have yielded to Macedon, and might have proved a Barrier to the vast projects of Rome. Code ^{de l'Hum}

Philip had two votes in the Council. Rawleigh Hist: World. lib 4. c. 1. sec. 7

The Execution of the Amphyetionic powers was very different from the Theory. Id.—It did not restrain the parties from warring agst each other. Athens & Sparta were members during their conflicts—Quer. whether Thu-

cidides or Xenophon in their Histories ever allude to the Amphyctionic authority which ought to have kept the peace?

See Gillies Hist: Greece—particularly Vol. II. p. 345

Achæan Confederacy

In 124 Olymp! the Patrians & Dymceans joined first in this league. Polyb. lib. 2. c. 3

This League consisted at first of three small Cities. Aratus added Sicyon, and drew in many other Cities of Achaia & Peloponnesus. Of these he formed a Republic of a peculiar sort. Code de l'Human.

It consisted of twelve Cities, and was produced by the necessity of such a defence agst the Etolians.

Encyclo. Pol. Oe. & Polyb. lib. 2.

The members enjoyed a perfect equality, each of them sending the number of deputies to the Senate. Id.

The Senate assembled in the Spring & Fall, and was also convened on extraordinary occasions by two Pretors charged with the administration during the recess, but who could execute nothing with^t the consent of ten Inspectors. Id.

Fæderal Authority

1. The Senate composed of the deputies made war & peace. D'Albon. I page 270

2. Appointed a Captain General annually. Co. d'Hum

3. Transferred the power of deciding to ten Citizens taken from the deputies, the rest retaining a right of consultation only. Id.

4. sent and received Ambassadors. D'Albon. Ibid.

5. appointed a prime Minister. D'Albon. Ibid.

6. contracted foreign Alliances. Code de l'Hum.

7. Confederated Cities in a manner forced to receive the same laws weights & measures: Id. ^{& customs} _{& Polyb. lib. 2 cap 3} yet considered as having

each their independent police & magistrates. Encyclop. Pol. Oecon.

8. Penes hoc concilium erat summum rerum, ex ejus^{arbitrium} decreto bella suscipiebantur, & finiebantur, pax conveniebat, fœdera feriebantur & solvebantur, leges fiebant ratæ aut irritæ. Hujus etiam erat Magistratus toti societati communes eligere, legationes decernere, &c. Regebant concilium prætor præcipue, si presens esset, et Magistratus³ alii, quos Achæi *ἀρχιμοιροὶς* nuncupabant. Ubbo: Emmius

Vices of the Constitution.

The defect of subjection in the members to the general authority ruined the whole Body. The Romans seduced the members from the League by representing that it violated their sovereignty
Code de l'Human.

After the death of Alexander, this Union was dissolved by various dissensions raised chiefly thro' the arts of the Kings of Macedon. Every City was now engaged in a separate interest & no longer acted in concert. Polyb. lib. 2. cap. 3. After in 124 Olymp^d they saw their error & began to think of returning to former State. This was the time that Pyrrhus invaded Italy. Ibid.

Helvetic Confederacy

Commenced in 1308 by the temporary, and ["established" stricken out] in 1315 by the perpetual Union, of Uri, Switz

*Hi numero X erant suffragiis legitimi concilii, quod verno tempore habebatur, electi ex universa societate prudentiâ præcipui, quorum concilio potissimum prætor ex lege utebatur. Horum potestas & dignitas maxima erat post ipsum Practorem, quos idcirco Livius, Polybium sequens, summum Achæorum magistratum, appellabat. Cum his igitur de negotiis gravioribus in concilio agitandis Prætor præconsultabat, nec de iis, nisi in id pars major consentiret, licebat ad consilium referre. Id.

Ista vero imprimis memorabilis lex est, vinculum Societatis Achæicæ maximè stringens, et concordiam muniens, quâ interdictum fuit, ne cui civitati Societatis hujus participi fas esset, seorsim ad externos illos mittere legatos, non ad Romanos, non ad alios. Et hæc expressim inserta fuit pactis conventis Achæorum cum Populo Romano. . . . Omnium autem laudatissima lex apud eos viguit &c quâ vetitum, ne quis omnino, sive private conditionis, seu magistratum gerens, ullam ob causam, quæcunque etiam sit, dona a rege aliquo caperet. Id.

& Underwald, for the defence of their liberties agst the invasions of the House of Austria. In 1315, the Confederacy included 8 Cantons; and 1513 the number of 13 was completed by the accession of Appenzel. Code de l'Hum.

The General Diet representing the United Cantons is composed of two deputies from each. Some of their allies as the Abbi S^t Gall &c. are allowed by long usage to attend by their deputies. Id

All general Diets are held at such time & place as Zurich ^{& the depositary of the common archives} which is first in rank shall name in a circular summons. But the occasion of annual conferences for the administration of their dependent bailages has fixed the same time, to wit the feast of S^t John, for the General Diet. And the City of Frawenweld in Turgovia is now the place of Meeting. Formerly it was the City of Baden. Id

The Diet is opened by a Complimentary Address of the first Deputy of each Canton by turns, called the Helvetic Salutation. It consists in a congratulatory review of circumstances & events favorable to their common interest—and exhortations to Union and patriotism.

The deputies of the first Canton Zurich propose the matters to be discussed. Questions are decided by plurality of voices. In case of division, the Bailiff of Turgovia has the casting one. The Session of the Diet continues about a month. Id

After the objects of universal concern are despatched, such of the deputies whose Constituents have no share in the dependent bailages, withdraw, and the Diet then becomes a representation of the Cantons to whom these bailages belong, and proceeds to the consideration of the business relating thereto. Id

Extraordinary Diets ["are held" stricken out] for incidental business or giving audience to foreign Ministers may be called at any time by any one of the Cantons, or by any foreign Minister who will defray the expence of meeting. Seldom a year without an extraordinary Diet.

Stanyan's Switzerland

There is an annual Diet ^{of} 12 Cantons by 1 Deputy from each for the affairs of the Ultramontane bailages.

Code de l'Human.

Particular Cantons also have their diets for their particular affairs, the time & place for whose meeting are settled by their particular Treaties.

All public affairs are now treated not in Gen^l Diet but in the particular Assemblies of Protestant & Catholic Cantons.

D'Albon.

Fæderal Authority

The title of Republic and Sovereign State improperly given to this Confederacy, which has no concentered authority the Diets being only a Congress of Delegates from some or all of the Cantons, and no fixt objects that are national.

Dictionaire de Suisse

The 13 Cantons do not make one Commonwealth like the United Provinces, but are so many independent Commonwealths in strict alliance. There is not so much as any common instrument by which they are all reciprocally bound together; The 3 primitive Cantons alone being ^{each} directly allied to the other twelve. The others in many instances are connected *indirectly only, as allies of allies.

By the Convention of Stantz, any member attacked has a *direct claim on the succour of the whole Confederacy. Coxé p: 343

In this mode any one Canton may draw in ^{all} the others to make a common cause in its defence. Stanyan

The Confederacy has no common Treasury—no common troops—no common Coin—no common Judicatory—nor any other common mark of sovereignty. Id.

The General Diet cannot terminate any interesting affair without special instructions, & powers, & the deputies accordingly take most matters proposed ad referendum. Code de l'Hum.

The Cantons individually exercise the right of sending & receiving ambassadors—making Treaties—coining money—proscribing the money of one another—prohibing the importation and exportation of merchandize—furnishing troops to foreign States, and doing every thing else which does not wound the liberty of any other Canton. Excepting a few cases specified in the Alliances and which directly concern the Object of the league, no Canton is subject to the Resolutions of the plurality. Id.

The only establishment truly national is that of a federal army, as regulated in 1668, and which is no more than an eventual plan of defence adopted among so many allied States. Id

1. The League consists in a perpetual defensive engagement agst external attacks, and internal troubles. It may be regarded as an axiom in the public Law of the Confederacy, that the federal engagements are precedent to all other political engagements of the Cantons Id

2. Another axiom is that there are no particular or common possessions of the Cantons, for the defence of which the others are not bound as Guarantees or auxiliaries of Guarantees. Id

3. All disputes are to be submitted to Neutral Cantons, who may employ force if necessary in execution of their decrees. Id. Each party to choose 4 Judges who may in case of disagreement chuse umpire, and these under oath of impartiality to pronounce definitive sentence, which all Cantons to enforce. D'Albon, & Sta

4. No Canton ought to form new alliances without the consent of the others. [this was stipulated in consequence of an improper alliance ^{in 1412 by} ["between" stricken out] Zurich with the House of Austria.] Id.

5. It is an essential Object of the league to preserve interior tranquility by the reciprocal protection of the form of Governm^t established in each Canton, so that each is armed with the force of the whole Corps for the suppression of rebellions & Revolts, and the History of Switzerland affords frequent instances of mutual succors for these purposes. Dict^{re} de Suisse.

6. The Cantons are bound not to give shelter to fugitives from Justice, in consequence of which each Canton can at this day banish malefactors from all the territories of the League. Id.

7. Tho' each Canton may prohibit the exportation & importation of Merchandize, it must allow it to pass thro' from one neighboring Canton to another without any augmentation of the tolls. Code de l'Hum.

8 In claiming succours ag^t foreign powers, the 8 Elder Cantons have a more extensive right than the 5 Junior ones. The former may demand them ^{of one another} without explaining the motives of the quarrel. The latter cannot intermeddle but as mediators or auxiliaries; nor can they commence hostilities without the sanction of the Confederates; and if

cited by their adversaries cannot refuse to accept the other Cantons for arbiters or Judges. Dict^{re} de Suisse.

9. In general each Canton is to pay its own forces without compensation from the whole or the succoured party. But in case a siege is to be formed for the benefit of a ["single" stricken out] particular Canton, this is to defray the expence of it, and if for the common benefit, each is to pay its just proportion. D Albon. On no pretext is a Canton to be forced to march its troops out of the limits of Switzerland. Stanyan

10. Foreign Ministers from different Nations reside in different Cantons. Such of them as have letters of credence for the whole Confederacy address them to Zurich the chief Canton.—The Ambassador of France who has most to do with the Confederacy is complimented at his Quarters by deputies from the whole body.

Vices of the Constitution

1. disparity in size of Cantons
2. different principles of Governm^t in diff^t Cantons
3. intolerance in Religion
4. weakness of the Union. The com^mon bailages w^{ch} served as a cement, sometimes become occasions of quarrels. Dict^{re} de Suisse.

In a treaty in 1683, with Victor Amadæus of Savoy, it is stipulated, that he shall interpose as Mediator in disputes between the Cantons, and if necessary use force agst the party refusing to submit to the sentence. Dict^{re} de Suisse—a striking proof of the want of authority in the whole over its parts.

Belgic Confederacy

established in 1679 by the Treaty called the Union of Utrecht. Code de l'Humanité

The provinces came into this Union slowly. Guelderland the smallest of them made many difficulties. Even some of the Cities & towns pretended to annex conditions to their acceding. Id.

When the Union was originally established a Committee composed of deputies from each province was appointed to regulate affairs, and to convoke the provinces according to art: XIX of the Treaty. Out of this Committee grew the States General Id.—who strictly speaking are only the Representatives of the States General who amount to 800 members. Temple p. 112.

The number of Deputies to the States General from each province["s" stricken out] not limited, but have only a single voice. They amount commonly to ^{all together} 40 or 50. They hold their seats, some for life—some for 6, 3 & 1 years, & those of Groninguen & Overysse during pleasure. They are paid, but very moderately, by their ["own" stricken out]^{respective} Constituents, and are amenable to their Tribunals only. Code de l'Hum No military man is deputable to the States Gen^l Id. Ambass^{rs} of Republic have session & deliberation but no suffrage in States Gen^l Id. The grand pensioner of Holland as ordinary deputy from Holland, attends always in the States Gen^l & makes the propositions of that Province to States G^l Id.

They sit constantly at the Hague^{since 1593}, and every day in the week except Saturday^{& Sunday}. The States of Holland in granting this residence, reserve by way of protestation, the rights, the honors & prerogatives belonging to them as sovereigns of

the Province; yielding the States Gen^l only a rank in certain public ceremonies. Id.

The eldest deputy from each ^{province} presides for a week by turns. The president receives letters &c. from the Ministers of the Republic at foreign Courts, and of foreign Ministers residing at the Hagne, as well as of all petitions presented to the Assembly; all which he causes to be read by the Secretary. Id.

The Secretary besides correcting & ^{recording} the Resolutions prepares & despatches instructions to Ministers abroad—& letters to foreign powers. He assists also at conferences held with foreign Ministers & there gives his voice. He has a deputy when there is not a second Secretary. The Agent of the States Gen^l is charged with the Archives and is also employed on occasions of receiving foreign Ministers or sending Messages to them. Id.

Federal Authority.

[“States General” stricken out] The avowed objects of the Treaty of Union. 1. to fortify the Union—2 to repel the common enemy. Id

The Union is to be perpetual in the same manner as if the Confederates formed one province only, [“but” stricken out] without prejudice however to the privileges & rights of each province & City. Id

Differences between provinces & between Cities are to be settled by the ordinary Judges—by arbitration—by amicable agreement, without the interference of other provinces otherwise than by way of accomodation. The Stadtholder is to decide such differences in the last resort. Id.

No change to be made in the articles of Union, without

unanimous consent of the parties & every thing done contrary to them to be null & void. Id

States General, 1. execute, without consulting their constituents, treaties & alliances already formed. Id.

2. take oaths from Generals & Govern^rs and appoint Field Deputies

3 The collection of duties on imports & exports and the expedition of Safe Conducts are in their name & by their officers. [“[It appears by several articles of the Union that the confederates had formed the design of establishing a general ^[tax {impôt}] ~~stricken out~~ impost to be administered by the States General. But this design so proper for bracing this happy Union has not been executed” ~~stricken out~~] Id.

4. they superintend & examine accounts of the E. India Company. Id

5. inspect the Mint—appoint les Maitres de la Monnoye—fix la taille & la valeur of the Coin, having always regard to the regular rights of the provinces within their own Territories. Id.

6. appoint a Treasurer General & Receiver General of the Quotas furnished by the Provinces. Id.

7. elect out of a double nomination, the fiscal & other officers within the departments of the admiralties, except that that the High officers of the fleet are appointed by the Admiral General, to whom the maritime provinces have ceded this right. Id.—The Navy supported by duties on foreign trade, appropriated thereto by the maritime provinces, for the benefit of whole Republic. Id.

8. They govern as sovereigns, the dependent territories, according to the several capitulations. Id.
9. they form Committees ^{of their own body} of a Member from each deputation, for foreign affairs—finances marine—& other matters. At all these conferences the Grand Pensioner of Holland & the Secretary of the States Gen^l attend & have a deciding voice. Id.
10. app^t & receive Ambass^{rs}—negotiate wth foreign powers—deliberate on war—peace—alliances—the raising forces—care of fortifications—military affairs to a certain degree—the equipment of fleets—building of ships—directions concerning money. Id. But they can neither make peace—nor war—nor truces nor treaties—nor raise troops—nor impose taxes, nor do other acts requiring unanimity without consulting & obtaining the sanction of the Provinces. Id. Coining money also requires unanimity & express sanction of provinces. Tempealing an old law on same footing. Burrish. Batav: illustrata ple[^].—In points not enumerated in this article plurality of voices decides. Cod. de l'Hum.
11. composition & publication of edicts & proclamations relative both to the objects expressed in the Articles of Union and to the measures taken for the common good, are in the name of the States, and altho' they are addressed to the States of the Provinces who announce them with their sanction, still it is in the name of the States Gen^l that obedience is required of all the inhabitants of the provinces. ["Id" stricken out] Cod. de l'H.

The Provinces have reserved to themselves

1. their sovereignty within their own limits in general Cod. de l'H.

2. the right of coining money ^{as} essential to Sovereignty, but agreed at the same time that the money which s^d be current throughout the Republic s^d have the same intrinsic value: To give effect to which regulation a mint is established at the Hagne under a chamber which has the inspection of all money struck either in name of States Gen^l or particular provinces, as also of foreign coin. Id.—Coining money not in provinces or Cities, but in the generality of Union by comon agreement. Temple.
3. Every province[“s” stricken out] raises what money & by what means it pleases, and sends its quota to Receiver General Temple. The quotas were not settled without great difficulty. Id.
4. the naming to Govern^{rs} of Towns within themselves—keeping keys & giving word to Magistrates—a power over troops in all things not military—conferring Col^l Comissions & inferior posts in ^{such} ^{as are} Regiments paid by the provinces ^{respectively.}—taking oath of fidelity—concerning a revocation of ^{all} which the States Gen^l are not permitted to deliberate. Id.

The Provinces are restricted

1. from entering into any foreign Treaties without consent of the rest. Cod. d’Hum.
2. from establishing imposts prejudicial to others without general consent. Id.
3. from charging their neibours with higher duties than their own subjects. Id.

Council of State.—composed of deputies from the provinces in different proportions. 3 of them are for life, the rest generally for 3 years: they vote per capita. Temple

They are subordinate to the States General, who frequently however consult with them. In matters of war which require secrecy they act of themselves. military & fiscal matters are the object of their administration. ["They vote" erased]

They execute the Resolutions of the States Gen^l propose requisitions of men & money & superintend the fortifications &c. & the affairs revenues & Gov^{ts} of the conquered possessions. Temple.

Chamber of Accounts, was erected for the ease of the Council of State. It is subordinate to the States Gen^l is composed of two deputies from each province, who are changed triennially. They examine & state all acc^{ts} of the several Receivers—control and register orders of Council of State disposing of the finances. Id.

College of Admiralty ^{established by States Gen^l 1597}—is subdivided into five of w^{ch} three are in Holland—one in Zealand—one in Friezland, each composed of 7 deputies, 4 app^d by the province where the Admiralty resides & 3 by the other provinces. The vice-Admiral presides in all of them when he is present. Temple.

They take cognizance of all crimes ^{final} at sea—of all frauds ^{& prizes} in customs provide quota of fleets resolved on by States ^{Gen^l} app^d Capt^s & superior officers of each squadron take ^{final} cognizance also of Civil matters within 600 florins—an appeal lying to States Gen^l for matters beyond that sum.

Code de l'Honn. & Temple.

The authority of States Gen^l in Admiralty Departm^t is much limited by the influence & privileges of maritime provinces, & the jurisdiction herein is full of confusion & contradiction. Code de l'Humanité

Stadtholder ^{who is now hereditary} in his political capacity is authorized

1. to settle differences between provinces, provisionally till other methods can be agreed on, which hav^g never been this prerogative may be deemed a permanent one. Code de l'Hum.
2. assists at deliberations of States Gen^l & their particular conferences, recomēds & influences appointm^t of Ambassadors. Id.
3. has seat & suffrage["s" stricken out] in Council of State. Id.
4. presiding in the Provincial Courts of Justice where his name is prefixed to all Public Acts. Id.
5. supreme Curator of most of the Universities. Id.
6. As Stadtholder of the provinces has considerable rights partaking of the Sovereignty, as appointing town magistrates on presentation made to him of a certain Executing provincial decrees &c number . Id. & Mably. Étd. de l'hist.
7. gives audiences to Ambassadors & may have Agents with their Sovereigns for his private Affairs. Mab. Ibid
8. exercises power of Pardon. Temple.

in his Military capacity as Capt:Gen^l

1. commands forces—directs marches—provides for garrisons—& in general regulates military affairs. Code. de l'Hum.
2. disposes of all appointm^{ts} from Ensigns to Col^l The Council of State hav^g surrendered to him the appointm^{ts} within their disposal. Id. & the States Gen^l app^t the higher grades [^{on}"at" stricken out] his recomēdation. Id
3. disposes of the Gov^{ts} &c. of the fortified towns tho' the Commissions issue from the States Gen^l Id.

in his Marine capacity, as Admiral General

1. superintends & directs every thing relative to naval forces & other affairs within Admiralty. Id
- 2 presides in the Admiralties in person or by proxy. Id
- 3 appoints Lieut^{ts} Admirals & Officers under them. Id.
- 4 establishes Councils of war, whose sentences are in the name of the States Gen^l & his Highness and are not executed till he approves. Id.

The Stadtholder has a general & secret influence on the great machine which cannot be defined. Id.

His Revenue from appointm^{ts} amount to 300,000 florins, to which is to be added his extensive patrimonies. Id.

The standing army of the Republic 40,000 men.

Vices of the Constitution

The Union of Utrecht imports an authority in the States Gen^l seemingly sufficient to secure harmony; but the Jealousy in each province of its Sovereignty renders the practice very different from the Theory. Code de l'Hum.

It is clear that the delay occasioned by recurring to seven independent provinces including about 52 voting Cities &c is a vice in the Belgic ["Confederacy" stricken out] Republic which exposes it to the most fatal inconveniences. Accordingly the fathers of their country have endeavored to remedy it in the extraordinary Assemblies of the States Gen^l in ^[1584]1651, 1716, 1717, but unhappily without effect. This vice is notwithstanding deplorable. Id.—Among other evils it gives foreign ministers the means of arresting the most important deliberations by gaining a single Province or City. This was done by France in 1726, when the Treaty of Hanover was delayed a whole year. In 1688, the States concluded a Treaty of themselves but at the risk of their heads.—Id. It is the practice also in matters of contribution or subsidy

to pass over this article of the Union; for where delay w^d be dangerous the consenting provinces furnish their quotas without waiting for the others, but by such means the Union is weakened and if often repeated must be dissolved. Id.

Foreign Ministers elude matters taken ad referendum by tampering with the provinces & Cities. Temple p. 116

Treaty of Union obliges each Province to levy certain contributions. But this article never could & probably never will be executed because the inland provinces who have little commerce cannot pay an equal Quota. Burrish. Bat: illustrat:

Deputations from agreeing to disagreeing provinces frequent. Temple.

It is certain that so many independent Corps & interests could not be kept together without such a center of Union as the Stadtholdership, as has been allowed & repeated in so many solemn Acts. Code d'Hum

In the intermission of the Stadtholdership Holland by her Riches & Authority which drew the others into a sort of dependence, supplied the place. Temple.

With such a Govern^t the Union never c^d have subsisted, if in effect the provinces had not within themselves a spring capable of quicken^g their tardiness, and impelling them to the same way of thinking. This Spring is the Stadtholder. His prerogatives are immense. 1 &c. &c.—A strange effect of human contradictions. Men too jealous to confide their liberty to their representatives who are their equals, abandoned it to a Prince who might the more easily abuse it as the affairs of the Republic were important & had not them fixed themselves. Mably—Étude d'Hist. 205, 6

Grotius has s^d that the hatred of his countrymen agst the
^{H of Austria} kept them from being destroyed by the vices of their Con-
 stitution. Ibid.

The difficulty of procuring unanimity has produced a breach of fundamentals in several instances— Treaty of Westphalia was concluded without consent of Zealand &c D'Albon & Temple— These tend to alter the constitution D'Albon.

It appears by several articles of the Union that the Confederates had formed the design of establishing a Gen^l tax [Impôt] to be administred by the States Gen^l But this design so proper for bracing this happy Union has not been executed. Code de l'Hum.

Germanic Confederacy,

—took its present form in the year . Code de l'Hum

The Diet is to be convoked by the Emperor, or on his failure, by the Archbishop of Mentz ^{with consent of Electors}, once in ten years at least from the last adjournment, and six months before the time of meeting. Ratisbon the seat of the Diet since 1663.

The members amount to 285, and compose three Colleges, to wit, that of the Electors—of Princes—of Imperial Cities. The voices amount to 159, of which 153 are individual, & 6 collective. The latter are particular to the College of Princes and are formed out of 39 Prelates &c, and 93 Counts &c. The individual voices are common to the three Colleges, and are given by 9 Electors—94 Princes, 33 of the ecclesiastical & 61 of the secular Bench.—& 50 Imperial Cities, 13 of the Rhenish, & 37 of Suabian Bench.—The K. of Prussia has nine voices in as many differ^t capacities. Id

The three Colleges assemble in the same House but in different apartments Id

The Emperor as head of the Germanic body is presid^t of the Diet. He & others are represented by proxies at present. Id

The ^{are ground! on propositions from Emperor &} deliberations commence in the College of Electors, from whence they pass to that of the Princes, & thence to that of the Imperial Cities. They are not resolutions till they have been passed in each. When the Electors & Princes cannot agree, they confer; but do not confer with the Imperial Cities. Plurality of voices decide in each College, except in matters of Religion & a few reserved cases, in which according to the Treaty of Westphalia, and the Imperial Capitulations the Empire is divided into the Catholic & Evangelic Corps. Id

After the Resolutions have passed the three Colleges, they are presented to the Representative of the Emperor, without whose ratification they are null. Id they are called placita after passing the three Colleges—conclusa after ratification by Emperor. Id.

The Collection of Acts of one Diet is called the Recess, which cannot be made up & have the force of law, till the Close of the Diet. the subsisting diet has not been closed for more than a hundred years. Of course it has furnished no effective Resolution though a great number of Interesting ones have passed. This delay proceeds from the Imperial Court who refuse to grant a Recess, notwithstanding the frequent & pressing applications made for one. Id

Fœderal Authority.

The powers as well as the organization of the Diet have varied at different times. Antiently it elected as a Corps,

the Emperors, and judged of their Conduct. The Golden Bull gives this right to the Electors alone.—Antiently it regulated tolls—at present the Electors alone do this. Id

The Treaty of Westphalia & the Capitulations of the Emperors from Charles V downwards, define the present powers of the Diet. These concern—1. Legislation of the Empire—2. war & peace ^{& alliances}—3. raising troops—4. contributions—5 construction of fortresses—6 money—7. Ban of the Empire—8 admission of New Princes—9. the supreme tribunals 10. disposition of grand fiefs & grand Charges—In all these points the Emperor & Diet must concur. Id

The Ban of the Empire is a sort of proscription by ^{which} the disturbers of the public peace are punished. The offenders life & goods are at the mercy of every one, formerly the Emperors themselves pronounced the ban agst those who offended them. It has been since regulated that no one shall be exposed to the Ban without the examination & consent of the Diet. Encyelop.

By the Ban the party is outlawed—degraded from all his federal rights—his subjects absolved from their allegiance—and his possessions forfeited. Code de l'Hum.

The Ban is incurred when the Emperor or one of the supreme Tribunals address an order to any one, on pain in case of disobedience, of being proscribed ipso facto. Id.

The Circles formerly were in number 6 only. There are now ten. They were instituted for the more effectual preservation of the public peace, and the execution of decrees ^{of Diet & supreme Tribunals} against contumacious members, for which purposes they have their particular diets, with the Chief prince ^{of the Circle} at their head, have particular officers for commanding the forces of the Circle, levy

contributions, see that Justice is duly administred—that the Coin is not debased—that the customs are not unduly raised.

Savage vol. 2 p. 35.

If a Circle fail to send its due succours, it is to pay damages suffered therefrom to its neighbours. If a member of the Circle refuse, the Col. of the Circle is to admonish, & if this be insufficient, the delinquent party is to be compelled under a sentence from the Imperial Chamber. Id.

(12.) Aulic Council—^[established by Diet in 1512 Encyclop.] composed of members appointed by the Emperor. Code de l'Hum.

Its cognizance is restrained to matters above 2000 Crowns—is concurrent with the jurisdiction of the Imperial Chamber in controversies between the States—also in those of subjects of the Empire by way of appeal from subaltern tribunals of the Empire, and from sovereign tribunals of princes. Id.—arms are to be used for carrying its decrees into execution, as was done 1718 by the troops of the Circle of Upper Rhine in a controversy between Landgrave of Hesse Cassel & Prince of Hesse of Rhinfitz. Id.

(11) Imperial Chamber, established in 1495, by the Diet as a means of public peace, by deciding controversies between members of the Empire. Code de l'Hum.

This is the first Tribunal of the Empire. It has an appellate jurisdiction in all Civil, and fiscal causes or where the public peace may be concerned. It has a concurrent jurisdiction with the Aulic Council; and causes cannot be removed from one to the other. Id.

The Judges of this Tribunal are appointed partly by the Emperor—partly by Electors—partly ^{by} Circles—are supported by all the States of the Empire, excepting the Emperor.

They are badly paid, though great salaries are annexed to their offices. Id.

In every action real or personal—The Diet—Imperial Chamber and Aulic Council are so many supreme Courts to which none of the States can demur. The jurisprudence, by which they govern themselves, are according to the subject matter—1. the provincial laws of Germany 2. the Scripture—3 the law of nature—4 law of Nations 5 the Roman law—6 the canon law—7 the fœdal law of the Lombards. Id.

Members of Diet as such are subject in all public affairs to be judged by Emperor & Diet,—as individuals in private capacity are subject to Aulic Council & Imperial Chamber. Id.

The members have reserved to themselves the right 1. to enter into war & peace with foreign powers 2 to enter into alliances with foreign powers and with one another— not prejudicial to their engagements to the Empire Code d'Hum—3 to make laws, levy taxes, raise troops, to determine on life & death. Savage. 4—Coin money. Id. 5. exert territorial Sovereignty within their limits in their own name. Code de l'Hum 6. to grant pardons. Savage. p. 44. 7. to furnish their quotas of troops, equipped mounted & armed & to provide for sustenance of them, as if they served at home. Cod. d'Hum

Members of Empire restricted

1. from entering into confederacies prejudicial to the Empire

2. from laying tolls or Customs upon bridges, rivers, or passages, to which strangers are subject, without consent of the Emperor ^{in full} Diet.

3. cannot give any other value to money, nor make any other kind of money than what is allowed by the Empire.

Savage vol. 2. p. 45.

(by edict of 1548 particularly)

4. from taking arms one agst another, from doing themselves justice—from affording retreat, much more, assistance to infractors of the public peace; the ban of the Empire being denounced agst the transgressors of these prohibitions, besides a fine of 2000 marks of gold & loss of regalities. Cod. d'Hum.

Emperor.—has the prerogative 1. of exclusively making propositions to the Diet—2 presiding in all Assemblies & Tribunals of the Empire when he chuses—3 of giving suffrage in all affairs treated in the diet—4 of negating their resolutions—5 of issuing them in his own name—6. of watching over the safety of the Empire—7 of naming Ambassadors to negotiate within the Empire as well as at foreign Courts—affairs concerning the Germanic Corps. ^{8. of re-establishing in good fame persons dishonored by Council of war & civil Tribunal} Cod. d'Hum.—9 of giving investiture of the principal immediate fiefs of the Empire, w^{ch} is not indeed of much consequence—10. of conferring vacant electorates—11 of preventing subjects from being withdrawn from the jurisdiction of their proper Judge—12 of conferring charges of the Empire—13 of conferring dignities & titles, as of Kings &c.—14 of instituting military orders—15. of [“being” stricken out] ^{granting} the dernier resort—16. of judging differences & controversies touching tolls—17. of deciding contests between Catholic & Protestant States touching precedence &c. Id.—18. of founding Universities within the lands of the States, so far as to make the person endowed with Academic honors therein be regarded as such throughout Germany.—19 of granting all sorts of privileges not injurious to the States

of the Empire—20 of establishing great fairs. 21 of receiving the droit des Postes generales—22 of striking money, but without augmenting or diminishing its value. 23 of permitting strangers to enlist soldiers, conformably to Recess of 1654. Id. 24. of receiving & applying Revenues of Empire. Savage, p. He cannot make war or peace, nor laws—nor levy taxes nor alter the denomination of money—nor weights or measures. Savage v. 2. p. 35. The Emperor as such does not properly possess any territory within the Empire, nor derives any Revenue for his support

Cod. d'Hum.

Vices of the Constitution.

1 The Quotas are complained of & supplied very irregularly & defectively. Cod. d'Hum. provision is made by decree of diet for enforcing them, but it is a delicate matter to execute it agst the powerful members. Id.

2 The establishm^t of the Imperial Chamber has not been found an efficacious remedy agst Civil wars. It has committed faults — The Resortissans have not always been docile. Id.

3. Altho' the establishm^t of Imperial Chamber &c give a more regular form to the police of the fiefs, it is not to be supposed they are capable of giving a certain force to the laws and maintaining the peace of the Empire if the House of Austria had not acquired power eno' to maintain itself on the imperial Throne, to make itself respected, & to give orders which it might be imprudent to despise, as the laws were theretofore despised. Mably. Etude d'hist. p. 180
[jealousy of the Imperial authority seems to have been a great ^{cement} of the confederacy]

Gryson Confederacy

Monday—14th

[Washington Papers, Diary No. 11, May, 1787.]

This being the day appointed for the Convention to meet, such Members as were in town assembled at the State H^o, but only two States being represented—viz—Virginia & Pennsylvania—agreed to attend at the same place at 11 O'clock tomorrow.—

* * * * *

Tuesday—15th

Repaired, at the hour appointed to the State H^o, but no more States being represented than were yesterday (tho' several more members had come in) we agreed to meet again tomorrow.—Gov^r Randolph from Virginia came in today.—

* * * * *

J^s Madison Jr. to [Thomas Jefferson]

[Madison Papers vol. IV, p. 1.]

Philad^a May 15th 1787

* * * * *

Monday^{last} was the day for the meeting of the Convention. The number as yet assembled is but small. Among the["m" erased] few is Gen^l Washington who arrived on Sunday evening amidst the acclamations of the people, as well as more sober marks of the affection and veneration which continues to be felt for his character. The Governor, Mess^{rs} Wythe & Blair, and Doc^r M^cClurg are also here. Col. Mason is to be here in a day or two. There is a prospect of a pretty full meeting on the whole, though there is less punctuality in the outset than was to be wished. Of this the late bad weather has been the principal cause. I mention these circumstances because it is possible, this may reach you before you hear from me through any other channel, and I add no others because it is merely possible.

[Washington Papers, Diary No. 11.]

Wednesday—16th

No more than two States being yet represented, agreed 'till a quorum of them should be formed to alter the hour of Meeting at the State house to one o'clock.—

* * * * *

Thursday. 17th

M^r Rutledge from Charleston and M^r Ch^s Pinkney from Congress having arrived gave a Representation to S^o Carolina—and Col^o Mason getting in this Evening placed all the Delegates from Virginia on the floor of Convention

* * * * *

Friday—18th

The Representation from New York appeared on the floor today.—

* * * * *

Saturday—19th

No more States represented—

* * * * *

Monday. 21st

Delaware State was represented

* * * * *

Tuesday 22^d

The Representation from N^o Carolina was compleated which made a representation for five States.

* * * * *

Wednesday 23^d

No more States being represented I rid to Gen^l Mifflins to breakfast—

* * * * *

[Madison Papers, C. XIV. p. 108.]

Jaⁿ Monroe to The honble James Madison Philadelphia

Fredricksburg May 23. 1787.

My leasure furnishes me with the opportunity, but the country around does not with materials to form a letter

worthy your attention. The scale of my observations is a narrow one & confin'd entirely within my room: & the subjects of ^{my}researches ["admit" stricken out] in which I am but seeking to make some proficiency, as I sho^d only detail to you the sentiments of others, give me nothing to supply the deficiency. We all look with great anxiety to the result of the Convention at Phil^a. Indeed it seems to be the sole point on which all future movments will turn. If it succeeds wisely & of course happily, the wishes of all good men will be gratified. The arrangments must be wise, and every way well concerted, for them to force their way thro the States. The experience of the federal gov^t hath taught Congress, or rather those who have compos'd it, the sentiments of the several States upon the subject of the powers it sho^d possess. Yet it may, by some be thought doubtful, whether it hath not taught them that it will be almost impossible to adopt any plan that will have the concurrence of all the States; or if it hath, that will be of any duration afterwards. It is however the business of every passenger to do what he thinks right & to hope that others will act on the same principle. * * *

Will^m Grayson to [James Madison]

[Madison Papers
vol. XIV, p. 129]

24th May 1787.

* * * * *

Entre nous. I believe the Eastern people have taken ground they will not depart from respecting the Convention.—One legislature ^{composed of a lower-house triennially elected} and an Executive & Senate for a good number of years.—I shall see Gerry & Johnson, as they pass & may perhaps give you a hint.

* * * * *

Washington Papers.
Daily No. 11.

Thursday 24th

No more States represented.—

* * * * *

Friday—25th

Another Delegate coming in from the State of New Jersey gave it a Representation and encreased the number to Seven which forming a quorum of the 13 the Members present resolved to organize the body; when by a unanimous vote I was called up to the Chair as President of the body.—Maj^r William Jackson was appointed Secretary—and a Com^{ee} was chosen consisting of 3 Members to prepare Rules & Regulations for conducting the business.—and after pointing door-keepers the Convention adjourned till Monday, to give time to the Com^{ee} to report the matter referred to them.—

* * * * *

Madison Papers,
vol. IV, p. 21

Js. Madison J^r to [James Madison Sr.]

Philad^a May 27th 1787.

We have been here for some time suffering a daily disappointment from the failure of the deputies to assemble for the Convention. Seven States were not made up till the day before yesterday. Our intelligence from N. York promises an addition of three more by tomorrow. General Washington was unanimously called to the Chair & has accepted it. It is impossible as yet to form a judgment of the result of this experiment. Every reflecting man becomes daily more alarmed at our situation. The unwise and wicked proceedings of the Governments of some States, and the unruly temper of the people of others, must if persevered in soon produce some new scenes among us.

* * * * *

J^r Madison Jr. to The Honorable Edmund Pendleton Esq^r [Madison Papers,
vol. IV, p. 3.]
 Bolling-Green Virginia

Philad^a May 27. 1787.

I have put off from day to day writing to my friends from this place in hopes of being able to say something of the Convention. Contrary to every previous calculation the bare quorum of seven States was made up ^{not} till the day before yesterday. The States composing it are N. York, N. Jersey, Pen^a Delaware, Virg^a N. Carolina & S. Carolina. Individual members are here from Mass^{ts} Maryland & Georgia; and our intelligence promises a compleat addition of the first and last, as also of Connecticut by tomorrow. General Washington was called to the chair by a unanimous voice, and has accepted it. The Secretary is a Major Jackson. This is all that has yet been done except the appointment of a Committe for preparing the rules by which the Convention is to be governed in their proceedings. A few days will now furnish some data for calculating the probable result of the meeting. In general the members seem to accord in viewing our situation as peculiarly critical and in being averse to temporising expedients. I wish they may as readily agree when particulars are brought forward. Congress are reduced to five or six States, and are not likely to do any thing during the term of the Convention.

* * * * *

Monday—28th

[Washington Papers, Diary No. 11.]

Met in Convention at 10 O'clock. Two States more—viz—Massachusetts and Connecticut were on the floor today
 Established Rules—agreeably to the plan bro^t in by the

Com^{ee} for the governm^t of the Convention—& adjourned.—

No com^{ns} without doors—

* * * * *

[Monroe Papers,
vol. VII, p. 867.]

Will^m Grayson to [James Monroe]

N York May 29th 1787.

* * * The draught made from Congress of members for the Convention has made them very thin & no business of course is going on here: I do not believe that this will be the case untill that body shall be dissolved, which I hardly think will be the case these three months. What will be the result of their meeting I cannot with any certainty determine, but I hardly think much good can come of it: the people of America don't appear to me to be ripe for any great innovations & it seems they are ultimately to ratify or reject: the weight of Gen^l Washington as you justly observe is very great in America, but I hardly think it is sufficient to induce the people to pay money or part with power.

The delegates from the Eastw^d are for a very strong government, & wish to prostrate all y^e state legislature, & form a general system out of y^e whole; but I don't learn that the people are with them, on y^e contrary in Massachu-
chuzets they think that government too strong & ["for"
stricken out] are about rebelling again, for the purpose of making it more democratical: In Connecticut they have rejected the requisition for y^e present year decidedly, & no Man there would be elected to the office of a constable if he was to declare that he meant to pay a copper towards the domestic debt:—R. Island has refused to send members—

the cry there is for a good government after they have ^{paid} their debts in depreciated paper:—first demolish the Philistines /i, e, their Creditors & then for propriety.

N Hampshire has not paid a shilling, since peace, & does not ever mean to pay one to all eternity:—if it was to tax the people for yr domestic debt attempted 500 Shays would arise in a fortnight.—In N. York they pay well because they can do it by plundering N Jersey & Connecticut.—Jersey will go great lengths from motives of revenge and Interest: Pensylvania will [“do” erased] join provided you let the sessions of the Executive of America be fixed in Philad^a & give her other advantages ^{in trade} to compensate for the loss of State power. I shall make no observations on the southern States, but I think they will be /perhaps from different motives as little disposed to part with efficient power as any in the Union.

* * * * *

H Knox to General Washington

New-York 29 May 1787

[Letters to Washington, vol. LXXI, p. 131.]

* * * * *

As you will have states sufficient to proceed to business, we hope to hear by the post of this day that you are completely organized. M^r Peirce, & M^r Houston from Georgia set off from this place for Philadelphia yesterday. M^r Sherman & Doctor Johnson will be in Philadelphia in the course of the week. I have not heard any thing from New Hampshire, but I am persnaded, from circumstances, that the delegates from that state will be with you by the 10th of June. I am indeed happy that the convention will be so full, as to feel a confidence that they represent the great majority of the people of the United States.

The grumblings in Massachusetts still continue and the insurgents on the borders appear to be collecting with hostile intentions. There can be no doubt that a trifling success on their part, and a prospect of subsistence would induce great numbers to join their Standard. events are fast ripening to birth—anarchy threatens—a few trains being sprung we shall find ourselves without system or government—so impressed is my mind with the evils about to happen, which will naturally arise from the construction and imbecillities of the State & general constitutions, of this country, that I have no hope of a free government but from the convention—If that fails us we shall find ourselves afloat on an ocean of uncertainty,—uncertain as to the shore on which we shall land but most certain as to the storms we shall have to encounter.

* * * * *

[Jefferson Papers, series 2, vol. LXXXIV, No. 96. Washington Papers, Letter-book 6 B, p. 97. Transcript.]

G^o Washington to His Excell^y Tho^s Jefferson.

Philadelphia 30th May 1787.

* * * * *

The business of this Convention is as yet too much in embryo to form any opinion of the result.—Much is expected from it by some—but little by others—and nothing by a few— That something is necessary, all will agree; for the situation of the General Govern^t (if it can be called a govern^t) is shaken to its foundation—and liable to be over-set by every blast.—In a word, it is at an end, and unless a remedy is soon applied, anarchy & confusion will inevitably ensue.

The State of Georgia came on the Floor of the Convention to day which made a Representation of ten States.—

[Washington Papers, Diary No. 11, May 31.]

* * * * *

Friday—1st June.

Attending in Convention—and nothing being suffered to transpire no minutes of the proceedings has been, or will be inserted in this diary

* * * * *

1—The way to prevent a majority from having an interest to oppress the minority is to enlarge the sphere.

[Hamilton Papers, vol. VI p. 104.]

Madison 2—Elective Monarchies turbulent and unhappy—
Men unwilling to admit so decided a superiority in an individual as to accede to his appointment to so preeminent a station—
If several are admitted as there will be many competitors of equal merit they may be all included—contention prevented—& the republican genius consulted—

Randolph—I Situation of this Country peculiar—

II—Taught the people an aversion to Monarchy

III All their constitutions opposed to it—

IV—Fixed character of the people opposed to it—

V—If proposed 'twill prevent a fair discussion of the plan.

VI—Why cannot three execute?

View of | — Great exertions only requisite on particular
America | — occasions

	—Legislature may appoint a dictator when necessary—
Safety to liberty |	—Seeds of destruction—[“former Conti- mental army” stricken out] might be easily enlisted—
the great object— |	—May appoint men devoted to them—& even bribe the legislature by offices—
	—Chief Magistrate must be free from im- peachment

Wilson— extent—manners—

Confederated republic unites advantages & ban-
ishes disadvantages of other kinds of govern-
ments—

———— rendering the executive ineligible an infringement
of the right of election—

Bedford— peculiar talents requisite for executive, therefore
ought to be opportunity of ascertaining his
talents—therefore frequent change—

[Hamilton Papers,
vol. VI, p. 105.]

Principle 1 The further men are from the ultimate point of
importance the readier they will be to concur in a
change—

2 Civilization approximates the different species of
governments—

3—Vigour is the result of several principles—Activity
wisdom—confidence—

4—Extent of limits will occasion the non attendance of
remote members & tend to throw the government
into the hands of the Country near the seat
of government—a reason for strengthening the
upper branch & multiplying the Inducements to
attendance—

Sir,

It is with Reluctance that I rise to express a Disapproba-
 tion of any ^{one} Article of the Plan for which we are so much
 obliged to the honourable Gentleman who laid it before us.
 From its first Reading I have borne a good Will to it, and in
 general wish'd it Success. In this Particular of Salaries to
 the Executive Branch, I happen to differ; ["in Opinion"
 stricken out] and as my Opinion may appear new and chi-
 merical, ["I shall" stricken out] it is only from a Persuasion
 that it is right, and from a Sense of Duty that I hazard
 it. The Committee will jud[mutilated] Reasons when
 they have heard them, and their J[mutilated]ment may
 possibly change mine.—I think I see Inconveniencies in the
 Appointment of Salaries, I see none in refusing them, but
 on the contrary great Advantages.

Sir, There are two Passions which have a powerful Influ-
 ence in the Affairs of Men These are Ambition and Avarice;
 the Love of Power, and the Love of Money. Separately
 ["they" stricken out] each of these has great Force in
 prompting to Action; but when united in View of the same
^{Men} Object, they have in many Minds the mos[mutilated] viole
 [mutilated] Effects. Place before the Eyes of such Men, a
 P[mutilated] of Honour that shall at the same time be a
 Place of Profit, and they will move Heaven and Earth to
 obtai[mutilated] it. The vast Number of such Places, ["and
 th" stricken out] it is th[mutilated] renders the British
 Government so tempestuous. Th[mutilated] Struggles for
 them are the true Source of all those F[mutilated]tions
 which are perpetually dividing the Nation, distracting
 ["^{its}their" stricken out] Councils, hurrying ["^{it}them"
 stricken out] sometimes into fruitless, & mischievous
 Wars, ["^["of" stricken out]and sometimes obliging them ending freque and

[Franklin Papers
 vol. VIII, p. 1787
 Madison Papers, vol.
 III, p. 10 (June 21
 Copy.)]

at others" stricken out] and often compelling a Submission to dishonourable Terms of Peace.

[“Besides this Cause of” stricken out]

And [“who are” stricken out] of what kind are the Men that will strive for this profitable Pre-eminence, thro’ all the Bustle of Cabal, the Heat of Contention, the infinite [illegible word ^{mutual} stricken out] Abuse of Parties, [“and” stricken out] tearing to Pieces the best of Characters? It will not be the wise and moderate, the Lovers of Peace and good Order, ^{the Men fittest for the Trust} It will be the Bold and the Violent, ^{the} Men of [“active Industry and” stricken out] strong Passions and [mutilated] defatigable Activity in their selfish Pursuits.

[mutilated] trust
themselves [mutilated] to
your Governm[en-
tated] and

These will be your Rulers.—And these too will be mistaken in the the expected Happiness of their Situation: For ^{vamquish'd} their Competitors of the same Spirit and from the same Motives will perpetually be endeavouring to distress their Administration, thwart their Measures, and render them odious to the People.

Besides these Evils, Sir, tho’ we may set out in the Beginning with moderate Salaries, we shall find that [“the Con” stricken out] such will not be of long Continuance. Reasons will never be wanting for propos’d Augmentations. And there will always be a Party for giving more to the Rulers, that the Rulers may be able in Return to give more to them. Hence as all History informs us, [“there has been a Revenues of Prin” stricken out] ^{in every State & Kingdom} there has been a constant kind of Warfare between the Governing & the Governed: the one ^{striving to obtain} [“exacting” stricken out] more for its Support, and the other to pay less. And this has alone occasion’d great Convulsions, [“bloody” stricken out] actual ^{civil} Wars, ending either in dethroning of ^{the} Princes or enslaving of the People. Generally

indeed the Ruling Power carries its Point, and we see [“even under our Eyes” stricken out] the Revenues of Princes constantly increasing, and we see that they are never satisfied, but always in want of more. The more the People are discontented with the Oppression of Taxes; the greater Need the Prince has of Money to distribute among his Partisans & pay the Troops that are to suppress all Resistance, and enable him to plunder at Pleasure. There is scarce a King in a hundred who would not, if he could, follow the Example of Pharaoh, get first all the Peoples Money, then all their Lands, and then make them & their Children Servants forever. It will be said, that we don’t propose to establis[muti-
lated] Kings.—I know it.—But there is a natural Inclination in Mankind to Kingly Government. It ^{sometimes} relieves them from Aristocratic Domination. They had rather have one Tyrant than 500. It gives more of Equality among Citizens; and that they like. I am apprehensive, therefore,—perhaps too apprehensive, that the Government of these States, may in future times, end in a Monarchy. But this Catastrophe I think may be long delay’d, if in our propos’d System we do not sow the Seeds of Contention Faction & Tumult by making our Posts of Honour Places of Profit. If we do, I fear that tho’ we [“do” stricken out] employ at first a Number and not a single Person, the Number will in time be set aside, it will [“be” stricken out] ^{nourish} only the Fœtus of a King, (as the honourable Gentleman very aptly express’d it) and a King will [“finally” ^{the sooner} stricken out] be set over us.

It may be imagined by some that this is an Utopian Idea, and that we can never find Men to serve us in the [“several” ^{Executive} stricken out] Department, without paying them well for their Services. I conceive this to be a Mistake

Some ["Fa" stricken out] existing Facts present themselves to me, which incline me to a contrary Opinion. The High Sheriff of a County in England is an honourable Office, but it is not a profitable one. It is rather expensive, and therefore not sought for. But yet it is executed, ^{& well executed,} and usually by some of the principal Gentlemen of the County. In France, the Office of Counsellor or Member of their judiciary Parliaments, is more honourable. It is therefore purchas'd at a high Price: There are indeed Fees on the Law Proceedings, which are divided among them, but these Fees do not amount to more than three P C^t on the Sum paid for the Place. Therefore as legal Interest is there at five P Cent, they in fact pay two per C^t for being allow'd to do the Judiciary Business of the Nation, which is at the same time entirely exempt from the Burthen of Paying them any Salaries for their Services. I do not however mean to recommend this as an eligible Mode for our ["Le" stricken out] ^{to shew} judiciary Department. I only bring the Instance that the Pleasure of doing Good & Serving their Country, and the Respect such Conduct entitles them to, are sufficient Motives with some Minds to give up a great Portion of their Time to the Public, without the ^{mean} Inducement of pecuniary Satisfaction.—

Another Instance is that of a respectable Society, who have made the Experiment, and practis'd it with Success now more than a ["n" stricken out] hundred Years.—I mean the Quakers. It is an establish'd Rule with them that they are not to go to Law ^{but in} ["in" stricken out] their Controversies they must apply to their Monthly, Quarterly & Yearly Meetings. Committees of these sit with Patience to hear the Parties, and spend much Time in composing ^{their} Differences.

In doing this, they are supported by a Sense of Duty; & the Respect paid to Usefulness. It is honourable to be so employ'd, but it was never made profitable by Salaries, or ^{Fees,} Perquisites: And indeed in all Cases of public Service, the less the Profit the greater the Honour.

To bring the Matter nearer home, have we not seen the great ^{est} and most important of our ["Executive" stricken out] Offices, that ^{of} General of our Armies, executed for Eight Years ^{whom I will not now offend by any other Praise," stricken out]} together, without the smallest Salary, by a ^{Patriot} ["Gentleman" stricken out] whom I will not now offend by any other Praise; and this thro' Fatigues & Distresses in common with the other brave Men his Military Friends & Companions, and ^{the constant} Anxieties peculiar to his Station? and shall we doubt finding ^{three or four} ["a few" stricken out] Men in all the United States, with public Spirit enough to bear Sitting in peaceful Council, for ["if you please" ^{perhaps} stricken out] an equal Term, merely to preside over our civil Concerns, & see that our Laws are duly executed. Sir, I have a better Opinion of our Country. I think we shall never be without a sufficient ["wise" stricken out] Number of wise and good Men to undertake and execute ^{well &} faithfully the Office in question.

Sir, The Saving of the Salaries, ^{that may at first be propos'd,} ["Sir," stricken out] is not an Object with me. The subsequent Mischief ^{are} of proposing them ["is" stricken out] what I apprehend. And therefore it is that I move the Amendment. If it is not seconded or accepted, I ["shall" stricken out] must be contented with the Satisfaction of having deliver'd my Opinion frankly, and done my Duty.

[Washington Papers,
Diary No. 11.]

Saturday—2^d

Maj^r Jenifer coming in with sufficient powers for the purpose, gave a representation to Maryland; which brought all the States in the Union into Convention except Rhode Island which had refused to send delegates thereto.—

* * * * *

[Franklin Papers,
vol VIII, p. 1890. Cf
Doc Hist., III, 60.]

The Steady Course of public Measures ^{is most probably} [^]to be expected from a Number.

A single Person's Measures may be good. The Successor, often differs in Opinion of those Measures, & adopts others. Often is ambitious of distinguishing himself, by opposing them, and offering new Projects. One is peaceably dispos'd. Another [^{may be} "is" stricken out] food of War, &c: Hence foreign States can never have that Confidence, ["that" stricken out] in the Treaties or Friendship of such a Govern^{ent} [^]as in that which is conducted by a ["Council" stricken out] Number.

The Single Head may be Sick. Who is to conduct the ^{Public} [^]Affairs in that Case? When he dies, who are to conduct, till a new Election?—If a Council why not continue them?—Shall we not be harass'd with Factions for the Election of Successors? become like Poland, weak from our Dissensions?

Consider the present ^{distracted} Condition of Holland. They had at first a Stadtholder, a Man of undoubted and great Merit. They found some Inconveniencies in the Extent of Powers ^{however} annex'd to that Office, and exercis'd by a single Person. ^{On his Death} [^]They resum'd and divided those Powers among the States and Cities. But there has been a constant Struggle since between that Family & the Nation. In the last Century the then Prince of Orange found Means to inflame the

Populace against their Magistrates, excite a general Insurrection in which an excellent Minister, Dewit, was murdered, ^{all the old Magistrates displac'd,} and the Stadtholder re-invested with all the former Powers. In this Century, the Father of the present Stadtholder, ^{having married a British Princess, did,} by exciting another Insurrection, force from the Nation a Decree that the Stadtholdership should be hereditary in his Family. And now his Son, being suspected of having favour'd England in the late War, and thereby lost the Confidence of the Nation, he is forming an internal Faction to support his Power, ^{and he} ^{reinstates his Favourite the Duke of Brunswick;} ^{Family} holds up his Alliances with England and Prussia to terrify Opposition. It was this Conduct of the Stadtholder which induc'd the States to recur to the Protection of France, and put their Troops under a French ^{the Stadtholder's} rather than [^] German General the Duke of Brunswick. And this is the Source of all the present Disorders in Holland, ["thro'" stricken out] which if the Stadtholder has Abilities equal to his Inclinations, will ^{probably} after a ruinous & bloody civil War, end in establishing an hereditary Monarchy in his Family.

[James Madison to Thomas Jefferson]

[Madison Papers,
vol. IV, p. 4.]

Philad^a June 6th 1787.

The day fixed for the meeting of the Convention was the 14th ult: on the 25th and not before seven States were assembled. General Washington was placed unâ voce in the chair. The Secretaryship was given to Major Jackson. The members present are from Massachussetts M^r Gerry, M^r Gorum, M^r King, M^r Strong. From Connecticut M^r Sherman Doc^t S. Johnson, M^r Elsworth. From N. York

["J" written upon "M"] Judge Yates, M^r Lansing, Col. Hamilton. N. Jersey, Governour Livingston, Judge Brearly, M^r Patterson, Attorney Gen^l [M^r Houston & M^r Clarke are absent members.] From Pennsylvania Doct^r Franklyn, M^r Morris, M^r Wilson, M^r Fitzimmons, M^r G. Clymer, Gen^l Mifflin, M^r Gouverneur Morris, M^r Ingersoll. From Delaware M^r Ju^o Dickenson, M^r Reed, M^r Bedford, M^r Broom, M^r Bassett. From Maryland Maj^r Jenifer only. M^r McHenry, M^r Dan^l Carrol, M^r Ju^o Mercer, M^r Luther Martin are absent members. The three last have supplied the resignations of M^r Stone, M^r Carrol of Carolton, and M^r T. Johnson as I have understood the case. From Virginia Gen^l Washington, Governor Randolph, M^r Blair, Col. Mason, Doct^r McClurg, J. Madison.—M^r Wythe left us yesterday, being called home by the serious declension of his lady's health. From N. Carolina, Col. Martin late Governor, Doct^r Williamson, M^r Spaight, Col. Davy.—Col. Blount is another member but is detained by indisposition at N. York. From S. Carolina M^r John Rutledge, General Pinkney, M^r Charles Pinkney, Maj^r Pierce Butler. M^r Laurens is in the Commission from that State, but will be kept away by the want of health. From Georgia Col. Few, Maj^r Pierce, formerly of Williamsb^g & aid to Gen^l Greene, M^r Houston.—M^r Baldwin will be added to them in a few days. Walton and Pendleton are also in the deputation.—N. Hamshire has appointed Deputies but they are not expected; the State treasury being empty it is said, and a substitution of private resorces being inconvenient or impracticable. I mention this circumstance to take off the appearance of backwardness, which that State is not in the least chargeable with, if we are rightly informed of her dis-

position. Rhode Island has not yet acceded to the measure. As their Legislature meet very frequently, and can at any time be got together in a week, it is possible that caprice if no other motive may yet produce a unanimity of the States in this experiment.

In furnishing you with this list of names, I have exhausted all the means which I can make use of for gratifying your curiosity. It was thought expedient in order to secure unbiassed discussion within doors, and to prevent misconceptions & misconstructions without, to ["make some" stricken out] establish some rules of caution which will for ["sometime keep" stricken out] ^{no short time} restrain even a confidential communication of our proceedings. The names of the members will satisfy you that the States have been serious in this business. The attendance of Gen^l Washington is a proof of the light in which he regards it. The whole Community is big with expectation. And there can be no doubt but that the result will in some way or other have a powerful effect on our destiny.

Mr Adams's Book which has been in your hands of course, has excited a good deal of attention. An edition has come out here and another is in the press at N. York. It will probably be much read, particularly in the Eastern States, and contribute with other circumstances to revive the predilections of this Country for the British Constitution. Men of learning ["will" stricken out] find nothing new in it. Men of taste ["find" stricken out] many things to criticize. And men without either, not a few things, which they will not understand. It will nevertheless be read, and praised, and become a powerful engine in forming the public opinion. The name & character of the Author, with the critical situa-

tion of our affairs, naturally account for such an effect. The book also has merit, and I wish many of the remarks in it, which are unfriendly to republicanism, may not receive fresh weight from the operations of our Governments.

I learn from Virg^a that the appetite for paper money grows stronger every day. M^r H—n—y is an avowed patron of the scheme, and will not fail I think to carry it through unless the County ^[Prince Edward] which he is to represent shall bind him hand and foot by instructions. I am told that this is in contempla-

tion. * * * There is good reason to believe too that he is hostile
 the object of the convention he
 1103 to 812 . 296 1352 . 812 . 1527 . 779 and that 182 .
 wishes either a partition or total dis-
 1486 . 1070 . 7 676 101 879 . 507 . 761 . 324 1157 . 1166 .
 solution of the confederacy
 1196 1588 . 1352 812 1527 . 887 1318 . 952 .
 * * * * *

Washington Papers, Letter-book 6 B
 p. 112. Transcript]

G Washington to The Marq^s de la Fayette.

Philadelphia June 6th 1787.

* * * It was, when I came here, and still is, my intention, to write you a long letter from this place before I leave it, but the hour is not yet come when I can do it to my own Satisfaction or for your information. I therefore shall wait till the result of the present meeting is more matured, and till the members who constitute it are at liberty to communicate the proceedings more freely before I attempt it.

You will I dare say, be surprized my dear Marquis to receive a letter from me at this place,—you will probably, be more so, when you hear that I am again brought, contrary to my public declaration, and intention, on a public theatre—such is the viscissitude of human affairs, and such the frailty

of human nature that no man I conceive can well answer for the resolutions he enters into.

The pressure of the public voice was so loud, I could not resist the call to a convention of the States which is to determine whether we are to have a Government of respectability under which life—liberty, and property^{will be} secured to us, or [“whether we” stricken out] are to submit to one which may be the result of chance or the moment, springing perhaps from anarchy and Confusion, and dictated perhaps by some aspiring demagogue who will not consult the interest of his Country so much as his own ambitious views. What may be the result of the present deliberations is more than I am able, at present, if I was at liberty, to inform^{you,} & therefore I will make this letter short, [“and even”^{with the} stricken out] assurance of being more particular when I can be more satisfactory—to this period also I refer more than to acknowledge the receipt of your obliging favours of the 8 of February last.

* * * * *

Principles

[Hamilton Papers,
vol. VI, p. 166.]

I—Human mind fond of Compromise—

Maddisons Theory—

Two principles upon which republics ought to be constructed—

I [“one” stricken out] that they have such extent as to render combinations on the ground of Interest difficult—

II By a process of election calculated to refine the representation of the People—

Answer—There is truth in both these principles but they do not conclude so strongly as he supposes—

—The Assembly when chosen will meet in one room if they are drawn from half the globe—& will be liable to all the passions of [^{popular}“public” stricken out] assemblies.

If more minute links are wanting others will supply then—Distinctions of Eastern middle and Southern states will come into view; between commercial and non commercial states—Imaginary lines will influence &^c—Human mind prone to limit its view by near and local objects—³

Observ: | large districts less liable to be influenced by fac-
| tious demagogues than small—

Note—This is in some degree true but not so generally as may be supposed—Frequently small portions of [mutilated] large districts carry elections—An influential demagogue will give an impulse to the whole—Demagogues are not always inconsiderable persons—Patricians were frequently demagogues—Characters are less known & a less active interest taken in them—

Hamilton Papers,
vol VI, p 103.]

Sent:

A free government to be preferred to an absolute monarchy not because of the occasional violations of liberty or property but because of the tendency of the Free Government to interest the passions of the community in its favour beget public spirit and public confidence—

Re: When public mind is prepared to adopt the present plan they will outgo our proposition—

Paper money is capable of giving a general [“im-
pulse” stricken out] impulse It is easy to conceive a
popular sentiment pervading the F. states—

They will never part with Sovereignty of the state till they are tired of the state governments—

M^r Pinkney. If Legislatures do not partake in the appointment of they will be more jealous

Pineckney—Elections by the state legislatures [“more”^[Cf. Doc. Hist., III, 76.] stricken out] will be better than those by the people—

Principle—Danger that the Executive by too frequent communication with the judicial may corrupt it—
They may learn to enter into his passions—

Note—At the period which terminates the duration of the Executive there will be always an awful crisis—in the National situation.

Note—The arguments to prove that a negative would not be used would go so far as to prove that the revisionary power [“ough” stricken out] would not be exercised.

M^r Mason—The purse & sword will be in the hands of the^[Cf. Doc. Hist., III, 74.]
[“executive” stricken out]—legislature.

I One great defect of our [“inst” stricken out]
Governments are that they do not present objects sufficiently interesting to the human mind.

I—A reason for leaving little or nothing to the state legislatures will be that as their objects are diminished they will be worse composed—
Proper men will be less inclined to participate in them

Dickinson II—He would have the state legislatures elect^[Cf. Doc. Hist., III 80.] senators, because he would bring into the

general government the sense of the state
Governments &

II—because the more respectable choices would
be made—

Note—Separate states may give stronger organs to
their governments & engage more the good
will of Ind:—while Gen^l Gov—

⚡ Consider the Principle of Rivalship by excluding
the state Legislatures—

Mason | General government could not know how to make
| laws for every part—such as respect agricul-
| ture &c

particular governments would have no defensive
power unless let into the constitution as a Con-
stituent part — — —

[Cf. Doc. Hist., III, 88.] Pinckney—For general Negative—

Gerry—Is for a negative on paper emissions—

New states will arise which cannot be controuled—
& may outweigh & controul—

Wilson—Foreign influence may infect certain corners of
confederacy which ought to be restrained—

Union basis of our oppos & Ind:

[Hamilton Papers,
vol. VI, p. 107. Cf.
Doc. Hist., III, 92.]

Bedford—| Arithmetical calculation of proportional influence
| in General Government—

| Pensyl. & Delaware may have rivalship in com-
merce— & influence of Pens—sacrifice delaware

If there be a negative in G G—yet if a law can
pass through all the forms of S- C. it will require
force to abrogate it

Butler—Will a man throw afloat his property & confide it
to a government a thousand miles distant?

Benjamin Hawkins to Thomas Jefferson Esq^r

New-York the 9th June 1787

[Jefferson Papers,
series 2, vol. XL, No.
63.]

* * * * *

Our friend Colonel Carrington promises me to give you a long narrative of our Politics, and therefore it would be superfluous if not presumptuous in me to do it. I will only add that every citizen of the United States is looking up with eager, anxious hopes to the convention for an efficient Government: that the proceedings of the Convention are under such an injunction of Secrecy as that confidential communications are inconsistent with the rules established as necessary to preserve the fullest freedom of discussion and to prevent misconceptions and misconstructions without doors.

Ed. Carrington to M^r Jefferson.

New York June 9. 1787

[Jefferson Papers,
series 2, vol. XIII, No.
100.]

I did myself the honor to address ^{you} by favor of M^r Payne, in answer to yours of the 16th January.

The proposed scheme of a convention has taken more general effect, and promises more solid advantages than was at first hoped for. all the States have elected representatives except Rhode Island, whose apostasy from every moral, as well as political, obligation, has placed her perfectly without the views of her confederates; nor will her absence, or nonconcurrence, occasion the least impediment in any stage of the intended business. on friday the 25th Ult. seven States

having assembled, [“the” stricken out] at Philadelphia, the Convention was formed by the election of General Washington President, and Major W. Jackson Secretary—the numbers have since increased to 11 States—N. Hampshire has not yet arrived, but is daily expected.

The Commissions of these Gentlemen go to a thorough reform of our confederation—some of the States, at first, restricted their deputies to commercial objects, but have since liberated them. the latitude thus given, together with the generality of the Commission from the States, have doubtless operated to bring Gen^l Washington forward, contrary to his more early determination—his conduct in both instances indicate a deep impression upon his mind, of the necessity of some material change—it belongs to his wisdom and weight of character to be averse to meddling in a fruitless attempt; and this must have been the case upon a confined ground, or a very partial representation of the States: it would have been equally inconsistent with his situation to come forward upon any occasion, except in the extremity of public necessity—in every public act he hazards, without a possibility of gaining, reputation—he already possesses every ^{thing} to be derived from the love or confidence of a free people, yet it seems that it remained for himself to add a lustre to his character, by this patriotic adventure of all, for his countries good alone.

The importance of this event is every ^{day} growing in the public mind, and it will, in all probability, produce an happy era in our political existence—taking a view of the circumstances which have occasioned our calamities, and the present state of things and opinions, I am flattered with this prospect—public events in the United States since the peace

have given a cast to the American character, which is by no means its true countenance. delinquencies of the States in their federal obligations; Acts of their legislatures violating public Treaties and private contracts, and an universal imbecility in the public administrations, it is true, form the great features of our political conduct; but ^{these} have resulted rather from constitutional defects, and accidental causes than the natural dispositions of the people—destitute as the federal sovereignty is of coercive principle, backwardness in the component parts to comply with its recommendations, is natural and inevitable—coercion in Government produces a double effect—while it compels the obedience of the refractory, it redoubles the alertness of the virtuous by inspiring a confidence in the impartiality of its burthens—from defect of penalty, ideas of delinquency are inseparable—States, as well as individuals, will contemplate both together, and apprehensions of unequal performance, produce disgust and apathy throughout.

The nefarious Acts of State Governments have proceeded not from the will of the people—[“men whose” stricken out] peace once obtained, men whose abilities and integrity had gained the intire popular confidence; whose zeal, or indolence, in the public affairs, alike, moved, or lulled, the people, retired from the busy scene, or at least acted with indifference—the news papers ceased to circulate with public information—Demagogues of desperate fortunes, mere adventurers in fraud, were ^{left} to act unopposed—their measures, of course, either obtained the consent of the multitude, by misrepresentation, or assumed the countenance of popularity because none said nay—hence have proceeded paper money, breaches of Treaty &c—The ductility of the multitude is

fully evidenced in the case of the late tumults in Massachusetts—Men who were of good property, and owed not a shilling were involved in the train of desperado's to suppress the courts—a full representation of the public affairs from the General Court through the clergy, has reclaimed so great a proportion of the deluded, that a Rebellion which a few months ago threatened the subversion of the Government is, by measures scarcely deserving the name of exertion, suppressed, and one decided act of authority would eradicate it forever. in this experiment it is proved that full intelligence of the public affairs not only would keep the people right, but will set them so after they have got wrong.

Civil Liberty, in my opinion, never before took up her residence in a country so likely to afford her a long and grateful protection as the United States—a people more generally enlightened than any other under the Sun, and in the habits of owning, instead of being mere tenants in, the Soil, must be proportionally alive to her sacred rights, and qualified to guard them; and I am persuaded that the time is fast approaching when all these advantages will have their fullest influence—our tendency to anarchy and consequent despotism is felt, and the alarm is spreading—Men are brought into action who had consigned themselves to an eve of rest, and the Convention, as a Beacon, is rousing the attention of the Empire.

The prevailing impression as well in, as out of, Convention, is, that a federal Government adapted to the permanent circumstances of the Country, without respect to the habits of the day, be formed, whose efficiency shall pervade the whole Empire: it may, and probably will, at first, be viewed with hesitation, but, derived and patronised as it will be, its

influence must extend into a general adoption as the present fabric gives way. that the people are disposed to be governed is evinced in their turning out to support the shadows under which they ^{now} live, and if a work of wisdom is prepared for them, they will not reject it to commit themselves to the dubious issue of Anarchy.

The debates and proceedings of the Convention are kept in profound secrecy—opinions of the probable result of their deliberations can only be formed from the prevailing impressions of men of reflection and understanding—these are reducible to two schemes—the first, a consolidation of the whole Empire into one republic, leaving in the states nothing more than subordinate courts for [“the” stricken out] facilitating the administration of the Laws—the second an investiture of of [“a” written upon “the” erased] fœderal sovereignty with full and independant authority as to the Trade, Revenues, and forces of the Union, and the rights of peace and War, together with a Negative upon all the Acts of the State legislatures. the first idea, I apprehend, would be impracticable, and therefore do not suppose it can be adopted—general Laws through a Country embracing so many climates, productions, and manners, as the United States, would operate many oppressions, & a general legislature would be found incompetent to the formation of local ones, as a majority would, in every instance, be ignorant of, and unaffected by the objects of legislation—the essential rights, as well as advantages, of representation would be lost, and obedience to the public decrees could only be ensured by the exercise of powers different from those derivable from a free constitution—such an experement must

therefore terminate in a despotism, or the same inconveniences we are now deliberating to remove. Something like the second will probably be formed—indeed I am certain that nothing less than what will give the fœderal sovereignty a compleat controul over the State Governments, will be thought worthy of discussion—such a scheme constructed upon well adjusted principles would certainly give us stability and importance as a nation, and if the Executive powers can be sufficiently checked, must be eligible—unless the whole has a decided influence over the parts, the constant effort will be to resume the delegated powers, and there cannot be an inducement in the fœderal sovereignty to refuse its assent to an innocent Act of a State. the ^{upon our Laws was never found to be materially inconvenient} negative which the King of England had [^]

The Ideas here suggested are far removed from those which prevailed when you was amongst us, and as they have arisen with the most able, from an actual view of events, it is probable you may ^{not} be prepared to expect them. they are however the most moderate of any which obtain in any general form amongst reflective and intelligent men—the Eastern opinions are for a total surrender of the State sovereignties, and indeed some amongst them go to a monarchy at once—they have verged to anarchy, while to the southward we have only felt an inconvenience, and their proportionate [“tendency” stricken out] disposition to an opposite extreme is a natural consequence.

I have encroached on your patience by a long letter, nor could I compress the information which I wished to convey into a smaller compass—disquisition has been avoided except where it became necessary to compleat my ideas, because,

being possessed of facts and circumstances your own reflections will furnish better, and it will afford me pleasure, as well as improvement, to receive them from you

* * * * *

Mr Chairman

[Franklin Papers,
vol. VIII, p. 1790
Madison Papers, vol.
III, p. 10 (June 11)
Copy]

It has given me great Pleasure to observe that till this Point, the Proportion of Representation, came before us, our Debates were carry'd on with great Coolness [^{of} "and" stricken out] Temper. If any thing of a contrary kind has on this Occasion appeared, I hope it will not be repeated; for we are sent [^{hither} "here" stricken out] to consult, not to contend, with each other; and Declarations of a fix'd Opinion & ^{by early" stricken out} determined Resolutions [^{and} "not" stricken out] never to change it; ["we are not enlightened by Menaces of endeavouring to defeat at home what may be concluded here." stricken out] neither enlighten nor convince ^{us} Positiveness and Warmth on one Side naturally beget their like on the other; and tend to create and augment Discord, and Division, in ^a great Concern, wherein Harmony and Union are extremely necessary, to give Weight to our Counsels, and render them effectual in promoting & securing the common Good. ["of" stricken out]

I must own that I was originally of Opinion it would be better if every Member of Congress, ["were t" stricken out] ^{he " stricken out} rr our national Council, were to consider["ed" stricken out] ^{himself} rather as a Representative of the Whole, than as an Agent for the Interests of a particular State, ["And yet I" stricken out] in which Case the Proportion of Members for each State would be of less Consequence, [&] _{it} it would not be very material whether they voted by States or individually.

But as this ^{I find} is not to be expected, I now think the [“se” stricken out] Number of [“Delegates” stricken out] Representatives should bear some Proportion to the Number of the Represented, and that the Decisions should be by the Majority of Members, not by the Majority of States. This is objected ^{to,} from an Apprehension that the greater States would then swallow up the Smaller. I do not ^{at present} clearly see what Advantage the greater States could [“thereby” stricken out] ^{by swallowing the smaller,} propose to themselves, and therefore do not apprehend [“it would be the case” stricken out] they would attempt it. I recollect that in the Beginning of this Century, when the Union was propos’d of the the two Kingdoms, England & Scotland, the Scotch Patriots were full of Fears, that unless they had an equal Number of Representatives in Parliament, they should be ruined by the Superiority of the English. ^{finally} They agreed however that they were to have only Forty Members in the House of Commons, and [“that” stricken out] only Sixteen of their Peers ^{were to} [“should” stricken out] sit in the House of Lords, A very great Inferiority of Numbers! And yet to this Day I do not recollect that any thing has been done in the Parliament of Great Britain to the Prejudice of Scotland; and whoever looks over the Lists of Publick Officers Civil and Military of that Nation will find, I believe that the [“Scot” stricken out] North Britons [“have” stricken out] enjoy at least their full proportion of Emolument.

But, Sir, in the present Mode of Voting by States, it is equally in the Power of the lesser States to swallow up the greater; and this ^{is} mathematically demonstrable. [“For” stricken out] Suppose, for example, that 7 smaller States had each 3 Members in the House, and the Six larger to have one

^the different Proportions of Importance in the Union, of the two Nations should be attended to, [“by which” stricken out] whereby

with another 6 Members. And that upon a Question, two Members of each smaller State should be in the Affirmative, and one in the Negative, they will make—

Affirmatives 14 Negatives 7

And that all the larger States should be unanimously in the negative, they would makeNegatives 36

In all 4["3" written upon "1"]

It is then apparent that the 14 carry the Question against ^{the 31.} and the Minority overpowers the Majority, contrary to the common Practice of Assemblies in all Countries and Ages.

The greater States, Sir, are naturally unwilling to have their Property left in the Disposition of the smaller, ^{as} the smaller are to leave theirs in the Disposition of the greater. An honourable Gentleman has, to avoid this Difficulty, hinted a Proposition of equalizing the States. I should, for my own Part, not be against such a Measure, if it might be found practicable. Formerly, indeed, when ^{almost every} ["each" stricken out] Province had a different Constitution ["had" stricken out] some with ^[" more " stricken out] ["grea" stricken out] greater others with fewer Privileges, it was of ["some" stricken out] Importance to ^{the} Borderers, when their Boundaries were contested, whether, by running the Division Lines they were placed on one Side or the other. At present when such Differences are done away, it is less material. The Interest of a State is made up of the Interests of its individual Members. If they are not injured, the State is not injured. Small States are more easily well & happily governed than large ones. If therefore in such an ^{equal} Division, it should be found necessary to diminish Pennsylvania, I should not be averse to the giving a Part of it to

It appears to me an equitable one, and

N. Jersey, and another to Delaware. But as there would probably be considerable Difficulties in adjusting such a Division; and however equally made at first, it would be continually varying by the Augmentation of ^{Inhabitants} ["Numbers" stricken out] in some States and more fixed proportion in others; and thence frequent Occasion for new Divisions; I beg leave to propose another Mode, which appears to me, as ^{for the Consideration of the Committee} equitable, ["and" stricken out] more easily carry'd into Practice, and more permanent in its Nature. ["I" stricken out]

Let the weakest State say what Proportion of Money or Force it is able and willing to furnish for the general Purposes of the Union.

Let all the others oblige themselves to furnish, each an equal Proportion.

The whole of these ^{joint} Supplies to be ^{absolutely} in the Disposition of Congress.

The Congress in this Case to be compos'd of an equal Number of Delegates from each State:

And their Decisions to be by the Majority of individual Members voting.

If these ^{joint & equal} Supplies should on particular Occasions not be sufficient, Let Congress make ^{on the richer & more powerful States} Requisitions ^{leaving to} for farther ^{the} Aids, to be voluntarily afforded; each State ["having a" stricken out] Right ^{of} ["to" stricken out] consider the Necessity & Utility of the Aid desired, and ["t" stricken out] of giv^{ing} ["e" stricken out] more or less as it should be found proper.

This Mode ^{is not new; it formerly} was practic'd with Success by the British Government, with respect to Ireland and the Colonies.

[usually "stricken out"] some times

We ^{accept} gave even more than they expected or thought just to
 ["expect" stricken out]; and they gave us back in 5 Years
 a Million Sterling. We should ["have" stricken out]
 probably have continu'd such voluntary Contributions,
 whenever the Occasions appear'd to require them for the
 common Good of the Empire: It was not till they chose to
 force us, and to deprive us of the Merit & Pleasure of vol-
 untary Contributions, that we refus'd & resisted. ["And I
 am persnade" stricken out] Those Contributions however
 were to be dispos'd of at the Pleasure of a Government in
 which we had no Representative. I am therefore persuaded
 that they will not be refus'd to one in which the Representa-
 tion ^{shall be} ["is" stricken out] equal.

A in the last War,
 carried on while we
 were united.

My learned Colleague has already mentioned that the
 present Method of voting by States, was submitted to origi-
 nally by Congress, under a Conviction of its Impropriety,
 ["&" stricken out] Inequality & Injustice. This appears
 in the Words of their Resolution. It is of Sept. 6. 1774.
 The Words are

"Resolved, That in determining Questions in this Con-
 "gress, each Colony or Province shall have one Vote: The
 "Congress not being possessed of or at present able to
 "procure Materials for ascertaining the Importance of each
 "Colony.

E Gerry to Honble Mr Monroe Fredericksburg Virginia
 Philadelphia 11th June 1787

[Monroe Papers,
 vol. VII, p. 874.]

* * * * *

The Convention is proceeding in their arduous under-
 taking with eleven States: under an Injunction of Secrecy

on their Members—New Hampshire have elected Members who are soon expected. the object of this Meeting is ^{very} important in my Mind—unless a System of Government is adopted by Compact, Force I expect will plant the Standard: for such an anarchy as now exists cannot last long. Gentlemen seem to be impressed with the Necessity of establishing some efficient System, & I hope it will secure Us against domestic as well as foreign Invasions—

[Madison Papers,
vol. XIV, p. 135.]

Ed. Carrington to Mr Madison

New York June 13. 1787

* * * * *

had the rules of the Convention permitted communications from thence, you would have conferred an obligation by including me in the number of your correspondents upon the subjects of deliberation in that assembly—my curiosity is, however, perfectly suppressed by the propriety of the prohibition. having matured your opinions and given them a collected form, they will be fairly presented to the public, and stand their own advocates—but, caught by detachments, and while indeed immature, they would be equally the victims of ignorance and misrepresentation. the public mind is now on the point of a favourable turn to the objects of your meeting, and, being fairly met with the result, will, I am persuaded, eventually, embrace it.—being calculated for the permanent fitness, and not the momentary habits of the country, it may at first be viewed with hesitation, but derived and patronised as it will be, its influence must extend into an adoption as the present fabric gives way—the work once well done will be done forever, but patched up in accommoda-

tion to the whim of the day, it will soon require the hand of the cobbler again, and in every unfortunate experiment, the materials are rendered the less fit for that Monument of civil liberty which we wish to erect—Constitute a federal Government, invigorate & check it well—give it then independent powers over the Trade the Revenues, and forces, of the Union, and all things that involve any relationship to [“with” stricken out] foreign powers—give it also the revisal of all State Acts—unless it possesses a compleat controul over the State Governments, the constant effort will be to resume the delegated powers,—nor do I see what inducement the federal Sovereignty can have to negative an innocent act of a State—Constitute ^{it} in such shape that, its first principles being preserved, it will be a good republic—I wish to see that system have a fair experiment—but let the liability to encroachments be rather from the federal, than the State, Governments—in the first case we shall insensibly glide into a monarchy, in the latter nothing but anarchy can be the consequence.

Some Gentlemen think of a total surrender of the State Sovereignties—I see not the necessity of that measure for giving us national stability or consequence—the negative of the federal Sovereignty will effectually prevent the existence of any licentious or inconsiderate Act—and I believe that even under a Monarchy it would be found necessary thus to continue the local administrations—general Laws would operate many particular oppressions and a general legislature would be found incompetent to the formation of local ones—the Interests of the United States may be well combined for the Common good—but the affairs of so extensive [“and” stricken out] a country are not to be thrown

into one mass—an attempt to confederate upon terms materially opposed to the particular Interests would in all probability occasion a dismemberment, and in that event, within a long time yet to come, the prospects of America will be at an end as to any degree of National importance, let her fate be what it may as ^{to} freedom or Vassalage.

[Hamilton Papers,
vol. VI, p. 110 Cf.
Doc. Hist., III 128.]

Mr Lansing—N S—proposes to draw representation from the whole body of people, without regard to S Sovereignties—

Subs: proposes to preserve the state Sovereignties—

—Powers—	{	—Different Legislatures had a different object—
		—Revise the Confederation—
		Ind. States cannot be supposed to be willing to annihilate the States—
		State of New York would not have agreed to send members on this ground—

—In vain to devise systems however good which will not be adopted ———

If convulsions happen nothing we can do will give them a direction—

Legislatures cannot be expected to make such a sacrifice—

The wisest men in forming a system from theory apt to be mistaken—

The present national government has no precedent or experience to support it—

General opinion that certain additional powers
ought to be given to Congress—

M^r Patterson—1—plan accords with powers

2 ——— accords with sentiments of the People—

If Confederation radically defective we ought
to return to our states and tell them so—

Comes not here to sport sentiments of his
own but to speak the sense of his Constitu[unmutilated]ts—

—States treat as equal—

—Present Compact [“requi” stricken out]
gives one Vote to each state.

alterations [“were” stricken out] are to be
made by Congress and all the Legislatures—

All parties to a Contract must assent to its
dissolution—

—States collectively have advantages in which
the smaller [“esta” stricken out] states
do not participate—therefore individual
rules do not apply.

—Force of government will not depend on pro-
portion of representation—but on Quantity
of power—

—Check not necessary in a gernal government
of communities—but
in an individual state spirit of faction is to
be checked—

—How have Congress hitherto conducted them-
selves?

The People approve of Congress but think
 they have not powers enough—
 —body constituted like Congress from the
fewness of their numbers more wisdom
 and energy—than [^{the}“a” stricken out]
 complicated system of Virginia
 —Expendence enormous—
 180—commons
 90—senators
 —
 270—

Wilson—Points of Disagreement—

		[“D” stricken out]	
V—	1	2 or three branches . . . N J	one branch—
	2	Derives from People <small>authority</small>	from states—
	3	Proportion of suffrage	Equality—
	4	Single Executive	Plural—
	5	Majority to [^{govern} “act” stricken out]	Minority to govern—
	6	Legislate in all matters of general Concern	partial objects—
	7	Negative	None—
	8	Removeable by impeach- ment	on application of ma- jority of Execu- tives
	9	Qualified Negative by Ex- ecutive	None
	10	Inf. tribunals	None—
	11	Orig: Jurisdiction in all cases of Nat: Rev.	None—
	12	National Government to be ratified by People	to be ratified by Legislatures—

- Empowered to propose every thing
to conclude nothing—
- Does not think state governments the idols of the
people—
- Thinks a competent national government will be a
favourite of the people—
- Complaints from every part of United States that
the purposes of government cannot be answered—
- In constituting a government—not merely neces-
sary to give proper powers—but to give them to
proper hands—
- Two reasons against giving additional powers to
Congress—
- First it does not stand on the authority of the
people—
- Second—It is a single branch—
- Inequality—the poison of all governments—
- Lord Chesterfield speaks of a Commission to be
obtained for a member of a small province.

Pinkney—

Mr Elseworth—

Mr Randolp—Spirit of the People in favour of the Vir-
ginian scheme—

We have powers; but if we had not we ought
not to scruple—

Maddison—Breach of compact in one article releases the ^[Cf. Doc. Hist., III, 152.]
whole—

Treaties may still be violated by the states under
the Jersey plan—

Appellate jurisdiction not sufficient because ^{second} trial
cannot be had under it—

Attempt made by one of the greatest monarchs
of Europe to equalize the local peculiarities of
their separate provinces—in which the Agent
fell a victim

[Cf. Doc. Hist., III, M^r Pinckney is of opinion that the first branch ought to be
184.]

appointed in such manner as the legislatures
shall direct

Impracticable for general legislature to
decide contested elections—

Hamilton Papers,
vol VI, p. 93. Cf. Doc
Hist. III 138.]

Introduction

I Importance of the occasion

II—Solid plan without regard to temporary opinion.

III—If an ineffectual plan be again proposed it will beget
despair & no government will grow out of consent

I—Objections to the present confederation

1 Entrusts the great interests of the nation to hands
incapable of managing them—

[“Treaties of all kind” stricken out]

All matters in which foreigners are concerned—

The care of the public peace: Debts

Power of treaty without power of execution

Common defence without power to raise troops have
a fleet—raise money

—Power to contract debts without the power to pay—

—These great interests of the state must be well man-
aged or the public prosperity must be the victim—

Legislates upon communities—

Where the legislatures are to act they will deliberate—

The matter here
printed between III
and IV is on the left-
hand page opposite
this brace which ap-
pears intended to ef-
fect this sequence.]

No sanction—| To ask money not to collect—& by an
 | [“str” stricken out] unjust measur
 | [mutilated] [“Legis” stricken out]

IV There seem to be but three lines of conduct.

I A league offensive and defensive, treaty of commerce, & apportionment of the public debt.

II An [“adm” stricken out] amendment of the present confederation by adding such powers as the public mind seems nearest being matured to grant.

III—The forming a new government to pervade the whole with decisive powers in short with complete sovereignty.

B— Last seems to be the prevailing sentiment—

I Its practicability to be examined—

Immense extent unfavourable to representation—

Vast expence—

double setts of officers—

Difficulty of judging of local circumstances—



Distance has a physical effect upon mens minds—

Difficulty of drawing proper characters from home—

—Execution of laws feeble at a distance from government—particularly in the collection of revenue—

Sentiment of Obedience|

Opinion |

C—Amendment of Confederation according to present Ideas

1—Difficult because not agreed upon any thing

Ex—Impost

Commerce different Theories—

--To ascertain ^{the} practicability of this let us examine
the principles of civil obedience—

I [“Maxim Particular Interests General Int Esprit
de Corps” stricken out]

Supports of Government—

I—Interest to support it

II Opinion of Utility & necessity

III Habitual sense of obligation

IV—Force

V Influence.

I C I Interest

Particular & general interests

Esprit de Corps—

—Vox populi vox Dei

II II—Opinion of Utility & necessity

1—First will decrease with the growth of
the states.

III III Necessity

This does not apply to Foederal Govern-
ment—

This may dissolve & yet the order of the
community continue—

Anarchy not a necessary consequence

IV Habitual sense of obligation.

This results from administration of private
justice—

Demand of service or money odious—

V Force of two kinds.

Coertion of laws Coertion of arms.

First does not exist—& the last useless--

Attempt to use it a war between the states—

Foreign aid—

Delinquency not confined to one.

VI — Influence

1 “ from municipal Jurisdiction

2 “ appointment of Officers—

[“3 “ Fiscal Jurisdiction” stricken out]—

4 Military Jurisdiction

5 Fiscal Jurisdiction

D All these [“powers” stricken out] now reside in particular states

—Their governments are the chief sources of honor and emolument.

—Ambition [“avarice” stricken out] Avarice.

To effect any thing Passions must be turned towards general government—?

Present Confederation cannot be amended unless the most important powers be given to Congress constituted as they are—

This would be liable to all objections against any form of general government with the addition of the want of Checks—

E Perpetual effort in each member

Influence of Individuals in office employed to excite jealousy & clamour

State leaders

Experience corresponds

Grecian Republics

Demosthenes says

Athens 73 years

Lacedaemon 27—

Thebans after battle of Leuctra—

Phocians consecrated ground

Philip &^c

F Germanic Empire

Charlemagne & his successors

Diet Recesses—

Electors now 7 excluding other

G Swiss Cantons

Two diets—

opposite alliances—

Berne Lucerne

To strengthen the Foederal government powers too
great must be given to a single branch

H Leage Offensive & Defensive &^c

particular Gov^s might exert themselves [“in”
stricken out] &^c

But liable to usual Vicissi—

—Internal Peace affected—

Proximity of situation—natural enemies—

Partial confederacies from unequal extent

Power inspires ambition—

Weakness begets jealousy

Western territory—

Obj: Genius of republics pacific—

Answer—Jealousy of commerce as well as jealousy of
power begets war—

Sparta Athens Thebes Rome Carthage Venice

Hanseatic Leage

England as many

Popular as Royal Wars

Lewis the 14^h Austria Bourbon William &
Anne—

Wars depend on trifling circumstances every-
where—

Dutchess of Malborough's Glove

Foreign Conquest—

Dismemberment—Poland—

Foreign Influence—


Distractions set afloat ["V" written upon
"f"]icious humour

Standing armies by dissensions

Domestic Factions—

Montesquieu—

Monarchy in Southern States—

 Foederal Rights Fisheries—

Wars destructive

I Loss of advantages—

—Foreign Nations would not respect our rights nor
grant us reciprocity—

Would reduce us to a passive Commerce

—Fisheries Navigation of the lakes, of the Missis-
sippi

Fleet

[Hamilton Papers, vol. VI, p. 71. Copies are in Madison Papers, vol. III, p. 27 (June 18); Brearley Papers (Doc. Hist., I, 327), and Jefferson Papers (infra p. 214). Duplicate copies of Hamilton's plan, of which this is a sketch, are in Madison Papers, vol. III, p. 135 (Doc. Hist., III, 771), and Hamilton Papers, vol. VI, p. 63.]

A

I The Supreme Legislative Power of the United States of America to be vested in two distinct bodies of men—the one to be called the Assembly the other the senate; who together shall form the Legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

B

II The Assembly to consist of persons elected by the People to serve for three years.

C

III The Senate to consist of persons elected to serve during good behaviour. Their election to be made by Electors chosen for that purpose by the People. In order to this The States to be divided into election districts. On the death, removal or resignation of any senator his place to be filled out of the district from which he came.

D

IV The Supreme Executive authority of the United States to be vested in a governor to be elected to serve during good behaviour. His election to be made by Electors chosen by electors chosen by the people in the election districts aforesaid.* The Governor to have a negative upon all laws about

E

to be passed—and to have the execution of all laws passed—to be the Commander in Chief of the land and naval forces and of the Militia of the United States—to have the direction of war when authorised or began—to have with the advice and approbation of the Senate the power of making all treaties—to have the appointment of the heads or chief officers of the departments of finance war and foreign affairs—to have the nomination of all other officers (ambas-

F

G

H

* "or by persons" stricken out | electors chosen for that purpose by the respective legislatures—
provided that if an election be not made within a limited time the President of Senate shall [to"
stricken out] be the Governor

sadors to foreign nations included) subject to the approbation or rejection of the Senate—to have the power of pardoning all offences but treason, which he shall not pardon without the approbation of the Senate—

V On the death resignation or removal of the Governor his authorities to be exercised by the President of the Senate.

VI The Senate to have the sole power of declaring war— the power of advising and approving all treaties—the power of approving or rejecting all appointments of officers except [“such as” stricken out] the heads or chiefs [“officers” stricken out] of the departments of finance war and foreign affairs.

VII The Supreme Judicial authority of the United States to be vested in [“not less than six nor more than” stricken out] twelve Judges, to hold their offices during good behaviour with adequate and permanent salaries. This Court to have original jurisdiction in all causes of capture and an appellate jurisdiction in all causes in which the revenues of the from the Courts of the several states general government or the citizens of foreign nations are concerned.

VIII The Legislature of the United States to have power to institute Courts in each state for the determination of all causes of capture and of all matters relating to their revenues, or in which the citizens of foreign nations are concerned.

IX The Governor Senators and all Officers of the United States to be liable to impeachment for mal and corrupt conduct, and upon conviction to be removed from office and disqualified for holding any [“office” stricken out] place of trust or profit. [“The Governor to be impeachable by the [“either branch of” stricken out] national legislature, or by the legislative bodies of any states. The Senators and all officers by either branch

of the national legislature or by the legislative ^{bodies} of any one state—" stricken out] All impeachments to be tried by ^{judges of the Supreme Court} a Court to consist of the Chief or Senior Judge of the superior Court of law of each state—provided that such judge hold his place during good behaviour and have a permanent salary. ["After removal from office ^{The Governor" stricken out} either of the foregoing ^{"of law" stricken out} characters may be prosecuted in the ordinary course for any crime committed while in office." stricken out]

X—All laws of the particular states contrary to the constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed the Governor or President of each state shall be appointed by the general government and shall have a negative upon the laws about to be passed in the state of which he is governor or President.

XI No state to have any forces land or naval—and the Militia of all the states to be under the sole and exclusive direction of the United States the officers of which to be appointed and commissioned by them.

Jefferson Papers—
vol. XI, No. 10
to "the water-
marked"

Proposition of Col^d Hamilton of New York in the Convention for establishing a constitution of government for the United States.

1. The supreme legislative power of the United States of America to be vested in two different bodies of men; the one to be called the Assembly; the other the Senate, who together shall form the legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.
2. The Assembly to consist of persons elected by the ^{to serve} people for three years.

3. The Senate to consist of persons elected to serve during good behaviour; their election to be made by electors chosen for that purpose by the people; in order to this the States to be divided into election-districts. On the death, removal or resignation of any Senator, his place to be filled out of the district from which he came.

4. The supreme executive authority of the United States to be vested in a governor to be elected during good behaviour; the election to be made by electors chosen by the People in the election-districts aforesaid—the authorities and functions to be as follow—to have a negative upon all laws about to be passed, and the execution of all laws passed—to have the direction of war when authorized or begun—to have with the advice and approbation of the Senate the power of making all treaties—to have the sole appointment of the heads or chief officers of the departments of finance and foreign affairs—to have the nomination of all other officers, ambassadors to foreign nations included, subject to the approbation or rejection of the Senate—to have power of pardoning all offences, except treason, which he shall not pardon without the approbation of the Senate.

5. On the death, resignation or removal of the governor his authorities to be exercised by the president of the Senate 'till a successor be appointed.

6. The Senate to have the sole power of declaring war—the power of advising and approving all treaties—the power of approving and rejecting all appointments of officers, except the heads or chief of the departments, of finance, war and foreign affairs.

7. The supreme Judicial authority of the United States to be vested in Judges to hold their office during good behaviour, with adequate and permanent salaries—the Court to have original jurisdiction in all causes of capture, and an appellate jurisdiction in all causes on which the revenues of the general government or the citizens of foreign nations are concerned

8. The legislature of the United States to have power to institute Courts in each State for the determination of all matters of general concern.

9. The Governor, Senators and all officers of the United States to be liable to impeachment for mal and corrupt conduct, & upon conviction to be removed from office and disqualified for holding any place of trust and profit; and all impeachments to be tried by a Court to consist of the Chief or Judge of the superior court of Law of each State, provided such Judge hold his place during good behaviour and have a permanent salary.

10. All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void; and the better to prevent such laws being passed, the governor or president of each State shall be appointed by the general government, and shall have a negative upon the laws about to be passed in the State of which he is governor or president

11. No state to have any Force land or naval, and the militia of all the States to be under the sole and exclusive direction of the United States, the Officers of which to be appointed and commissioned by them.—

Th: Jefferson to [James Madison]

Paris June 20. 1787.

[Madison Papers,
vol. XIV, p. 136.
Jefferson Papers,
series 1, vol. II, No.
206. Press copy.]

* * * * *

The idea of separating the executive business of the confederacy from Congress, as the judiciary is already in some degree, is just & necessary. I had frequently pressed on the members individually, while in Congress, the doing this by a resolution of Congress for appointing an Executive committee to act during the sessions of Congress, as the Committee of the states was to act during their vacations. but the referring to this Committee all executive business as it should present itself, would require a more persevering self-denial than I supposed Congress to possess. it will be much better to make that separation by a federal act. the negative proposed to be given them on all the acts of the several legislatures is now for the first time suggested to my mind. *primâ facie* I do not like it. it fails in an essential character, that the hole & the patch should be commensurate. but this proposes to mend a small hole by covering the whole garment. not more than 1. out of 100. state-acts concern the confederacy. this proposition then, in order to give them 1 degree of power which they ought to have, gives them 99. more which they ought not to have, upon a presumption that they will not exercise the 99. but upon every act there will be a preliminary question Does this act concern the confederacy? and was there ever a proposition so plain as to pass Congress without a debate? their decisions are almost always wise: they are like pure metal. but you know of how much dross this is the result. would not an appeal from the state judicatures to a federal court, in all cases where the act of Confederation controuled the question, be as effectual a

remedy, & exactly commensurate to the defect. a British creditor, e. g. sues for his debt in Virginia; the defendant pleads an act of the state excluding him from their courts; the plaintiff urges the Confederation & the treaty made under that, as controuling the state law; the judges are weak enough to decide according to the views of their legislature. an appeal to a federal court sets all to rights. it will be said that this court may encroach on the jurisdiction of the state courts. it may. but there will be a power, to wit Congress, to watch & restrain them. but place the same authority in Congress itself, and there will be no power above them to perform the same office. they will restrain within due bounds a jurisdiction exercised by others much more rigorously than if exercised by themselves.

* * * * *

Hamilton Papers
vol. VI. p. 114. C1
Doc. Hist. III. 177

Mr Lansing—Resolved that the powers of legislation ought to be vested in the United States in Congress—

—If our plan be not adopted it will produce those mischiefs which we are sent to obviate—

Principles of system—

—Equality of Representation—

Dependence of members of Congress on States—

So long as state distinctions exist state prejudices will operate whether election be by states or people—

—If no interest to oppress no need of apportionment—

—Virginia 16—Delaware 1—

—Will [^{General}“state” stricken out] Government have liesure to examine state laws—?

—Will G Government have the necessary information?

—Will states agree to surrender?

—Let us meet public opinion & hope the progress of sentiment will make future arrangements—

—Would like my system if it could be established—

System without example—

Mr Mason—Objection to granting power to Congress arose from their constitution.

Sword and purse in one body—

Two principles in which America are unanimous

1 attachment to Republican government

2 ——— to two branches of legislature—

—Military force & liberty incompatible—

—Will people maintain a standing army?

—Will endeavour to preserve state governments & draw lines—trusting to posterity to amend—

Mr Martin—General Government originally formed for the preservation of stat[“e” written upon “es”] governments—

Objection to giving power to Congress has originated with the legislatures— — —

10 of the states interested in an equal voice—

Real motive was an opinion that there ought to be distinct governments & not a general government—

If we should form a general government twould break to pieces— — —

—For common safety instituted a General government—

Jealousy of power the motive—

People have delegated all their authority to state government—

Coercion necessary to both systems—

Requisitions necessary upon one system as upon another—

In their system made requisitions necessary in the first instance but left Congress in the second instance—to assess themselves—

Judicial tribunals in the different states would become odious— — —

If we always to make a change shall be always in a state of infancy—



States will not be disposed hereafter to strengthen the general government.

Mr Sherman—Confederacy carried us through the war—

Non compliances of States owing to various embarrassment

Why should state legislatures be unfriendly?

State governments will always have the ^{confidence &} government of the people: if they cannot be conciliated no efficacious government can be established.

Sense of all states that one branch is sufficient.

If consolidated all treaties will be void.

State governments more fit for ["state"]

stricken out] local legislation customs
habits &c

M^r President,

The small Progress we have made after 4 or 5 Weeks close Attendance & continual Reasonings with each other, our different Sentiments on almost every Question, several of the last producing as many Noes as Ayes, is methinks a melancholy Proof of the Imperfection of the Human Understanding.—We indeed seem to feel our own Want of political Wisdom, since we have been running all about in search of it. We have gone back to ancient History for Models of Government, and examin'd the different Forms of those Republicks, which, having been originally form'd with the Seeds of their own Dissolution, now no longer exist. And we have view'd modern States all round Europe, but find none of their Constitutions suitable to our Circumstances.

In this Situation of this Assembly, groping, as it were, in the dark, to find Political Truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not, hitherto once thought of humbly applying to the Father of Lights to illuminate our Understandings?—In the Beginning of the Contest with Britain, when we were sensible of Danger, we had daily Prayers in this Room for the Divine Protection. Our Prayers, Sir, were heard;—and they were graciously answered. All of us, who were engag'd in the Struggle, must have observ'd frequent instances of a superintending Providence in our Favour. To that kind Providence we owe this happy Opportunity of Consulting in Peace on the Means of establishing our future national

[Franklin Papers,
vol. VIII, p. 1743
Also press copy, p.
1794. Madison Pa-
pers, vol. III, p. 44
(June 28). Copy.]

Felicity.—And have we now forgotten that powerful Friend?—or do we imagine we no longer need its Assistance?—I have lived, Sir, a long time; and the longer I live, the more convincing Proofs I see of this Truth, That God governs in the Affairs of Men,—And if a Sparrow cannot fall to the Ground without his Notice, is it probable that an Empire can rise without his Aid?—We have been assured, Sir, in the Sacred Writings, that except the Lord build the House, they labour in vain that build it. I firmly believe this;—and I also believe, that without his concurring Aid, we shall succeed in this political Building no better than the Builders of Babel: We shall be divided by our little partial local Interests, our Projects will be confounded and we ourselves shall become a Reproach and a Byeword down to future Ages. And what is worse, Mankind may hereafter, from this unfortunate Instance, despair of establishing Government by human Wisdom, and leave it to Chance, War & Conquest.

I therefore beg leave to move,

That henceforth Prayers, imploring the Assistance of Heaven, and its Blessing on our Deliberations, be held in this Assembly every Morning before we proceed to Business; and that one or more of the Clergy of this City be requested to officiate in that Service.

[For the proceedings Doc Hist., III 234.]

The Convention, except three or four Persons, thought Prayers unnecessary.

[Franklin Papers, vol VIII, p. 1799. Cf Doc. Hist. III, 257.]

Proposal for Consideration.

That the Legislatures of the several States shall choose and send an equal Number of Delegates, namely _____, who are to compose the second Branch of the general Legislature.

That in all Cases or Questions wherein the Sovereigntys of the Individual States may be affected, or whereby their Authority over their own Citizens may be diminished, or the Authority of the General Government within the several States augmented, each State shall have equal Suffrage.

That in the Appointment of all civil Officers of the General Government, in the Election of whom the Second Branch may by the Constitution have part, each State shall have equal Suffrage

That in fixing the Salaries of such Officers, & in all Allowances for public Services; & generally in all Appropriations and Dispositions of Money to be drawn out of the ^{and in all Laws for supplying the Treasury.} General Treasury, the Delegates of the several States shall have Suffrage in proportion to the Sums their respective States ^{do} ["have" stricken out] actually contributed to that Treasury, from their Taxes or internal Exeises.

That in Case["s" stricken out] general["ly" stricken out] Duties should be laid by Impost ^{on Goods imported,} a["n" stricken out] ^{liberal} Estimation shall be made of the ^{Amount of} ["Consumption of" stricken out] such Impost paid in the Price of the Commodities by ^{those} ["such" stricken out] States that import but little, and a proportionate Addition shall be allowed of Suffrage to such States, —— and an equal Diminution of the Suffrage of the States importing

G Washington to Doct^r David Stuart.

Philadelphia July 1st 1787.

[Washington Papers, Letter-book 6 B. p. 120. Transcript.]

* * * * *

Rhode Island, from our last Accts^s sill persevere in that impolitic—unjust—and one might add without much impropriety scandalous conduct, which seems to have marked all her public Councils of late;—Consequently, no Representation

is yet here from thence. New Hampshire, tho' Delegates have been appointed, is also unrepresented—various causes have been assigned—whether well, or ill founded I shall not take upon me to decide—The fact however is that they are not here. Political contests, and want of Money, are amidst the reasons assigned for the non attendance of the members.

As the rules of the Convention prevent me from relating any of the proceedings of it, and the gazettes contain more fully than I could detail other occurrences of public nature, I have little to communicate to you on the article of News. Happy indeed would it be if the Convention shall be able to recommend such a firm and permanent Government for this Union, as all who live under it may be secure in their lives, liberty and property, and thrice happy would it be, if such a recommendation should obtain. Every body wishes—every body expects some thing from the Convention—but what will be the final result of its deliberation, the book of fate must disclose—Persuaded I am that the primary cause of all our disorders lies in the different State Governments, and in the tenacity of that power which pervades the whole of their systems. Whilst independent sovereignty [“reignty” stricken out] is so ardently contended for, whilst the local views of each State and separate interests by which they are too much govern'd will not yield to a more enlarged scale of politicks; incompatibility in the laws of different States, and disrespect to those of the general government must render the situation of this great Country weak, inefficient and disgraceful. It has already done so,—almost to the final dissolution of it—weak at home and disregarded abroad is our present condition, and contempt[“i” written upon “a”]ble enough it is.

Entirely unnecessary was it, to offer any apology for the sentiments you w[^e "a" stricken out]re so obliging as to offer me—I have had no wish more ardent (thro' the whole progress of this business) than that of knowing what kind of Government is best calculated for us to live under. No doubt there will be a diversity of sentiment on this important subject; and to inform the Judgment, it is necessary to hear all arguments that can be advanced. To please all is impossible, and to attempt it would be vain; the only way therefore is, under all the views in which it can be placed—and with a due consideration to circumstances—habits—&c^e &c^e to form such a government as will bear the scrutinizing eye of criticism and trust it to the good sense and patriotism of the people to carry it into effect.—Demagogue,—men who are unwilling to lo[^e "o" stricken out]se any of their state consequence—and interested characters in each, will oppose any general government: but [^{let} "ought" stricken out] these ["not to" stricken out] be regarded rightly, and Justice it is to be hoped will at length prevail.

Th: Jefferson to Dav^d Hartly esq.

Paris July 2. 1787.

[Jefferson Papers,
series 1, vol. II, No. 276.
Press copy]

* * * * *

you have heard of the federal convention now sitting at Philadelphia for the amendment of the Confederation. eleven states appointed certainly, it was expected that Connecticut would also appoint the moment it's assembly met. Rhode island had refused. I expect they will propose several amendments, that that relative to our commerce will

probably be adopted immediately, but that the others must await to be adopted one after another in proportion as the minds of the states ripen for them. * * *

Hamilton Papers,
vol. V, p. 73]

A Hamilton to General Washington Philadelphia

July 3^d 87

In my passage through the Jerseys and since my arrival here I have taken particular pains to discover the public sentiment and I am more and more convinced that this is the critical opportunity for establishing the prosperity of this country on a solid foundation—I have conversed with men of information not only of this City but from different parts of the state; and they agree that there has been an astonishing revolution for the better in the minds of the people. The prevailing apprehension among thinking [^{men}“people” stricken out] is, that the Convention, from a fear of shocking the popula[mutilated] opinion, will not go far enough—They seem to be convinced that a strong well mounted government will better suit the popular palate than one of a different complexion. Men in office are indeed taking all possible pains to give [^{have}“a contrary” stricken out] an unfavourable impression of the Convention; but the current seems to be running strongly the other way.

A plain but sensible man, in a conversation I had with him yesterday, expressed himself nearly in this manner—The people begin to be convinced that their “excellent form of government” as they have been used to call it, will not answer their purpose; and that they must substitute something not very remote from that which they ^{have} lately quitted.

These appearances though they will not [“perhaps”

stricken out] warrant a conclusion that the people are yet ripe for such a plan as I advocate, yet serve to prove that there is no reason to despair of their adopting one equally energetic, if the Convention should think proper to propose it. They serve to prove that we ought not to allow too much weight to objections drawn from the supposed repugnancy of the people to an efficient constitution—I confess I am more and more inclined to [“the” stricken out] believe that former habits of thinking are regaining their influence with more rapidity than is generally imagined.

Not having compared ideas with you, Sir, I cannot judge how far our sentiments agree; but as I persuade myself the genuineness of my representations will receive credit with you, my anxiety for the event of the deliberations of the Convention induces me to make this communication of what appears to be the tendency of the public mind. . . . I own to you Sir that I am seriously and deeply distressed at the aspect of the Councils which prevailed when I left Philadelphia—I fear that we shall let slip the golden opportunity of rescuing the American empire from disunion anarchy and misery—[“, and” stricken out] No motley or feeble measure can answer the end or will finally receive the public support. Decision is true wisdom and will be not less reputable to the Convention than salutary to the community.

I shall of necessity remain here ten or twelve days; if I have reason to believe that my attendance at Philadelphia will not be mere waste of time, I shall after that period rejoin the Convention.

[The Papers of the
Continental Con-
gress, No. 121, p. 250
Transcript.]

John Jay to the Honorable John Adams Esq^r.

Office for foreign Affairs 4th July 1787

* * * * *

The public Attention is turned to the Convention. Their Proceedings are kept secret, and it is uncertain how long they will continue to sit. It is nevertheless probable that the Importance and Variety of Objects that must engage their Attention, will detain them longer than many may expect. It is much to be wished that the Result of their Deliberations may place the United States in a better Situation; for if their Measures should either be inadequate or rejected, the Duration of the Union will become problematical. For my own Part I am convinced, that a national Government as strong as may be compatible with Liberty, is necessary to give us national Security and Respectability. Your Book gives us many useful Lessons; for although I cannot subscribe to your Chapter on Congress, yet I consider the Work as a valuable one, and one that will tend greatly to recommend and establish those Principles of Government, on which alone the United States can erect any political Structure worth the Trouble of erecting.—

* * * * *

[Jefferson Papers,
series 2, vol. XL, No.
37.]

F: Hopkinson to His Excell^y T. Jefferson Esq^r Paris

Philad^a July 8th 1787—

* * * * *

A Convention of Delegates [“of” stricken out] from all the States, except Rhode Island, is now setting in this City. General Washington President—Their Business is to revise the Confederation, & propose Amendments. It will be very difficult to frame such a System of Union & Government

for America as shall suit all opinions & reconcile clashing Interests. Their Deliberations are kept inviolably secret, so that they set without Censure or Remark; but no sooner will the Chicken be hatch'd but every one will be for plucking a Feather—But the Papers I send should excuse me from taking up my Paper with Politics.

* * * * *

The Author to His Excellency George Washington President of the Convention in Philadelphia.

[Letters to Washington, vol. LXXI, p. 134. Postmarked July 8.]

Cambridge, in Maryland.

If I had the honour of an Acquaintance with your Excellency, I wou'd respectfully subscribe my name to this address: But in communicating the sentiments which appear in the paper inclosed, I am not governed by a Motive of vanity in personally claiming your attention, but by a warm desire to see our political Union more perfectly established. Whether the ideas it contains can have any tendency to promote an object so ardently wished for by every patriot, is submitted to your superior Judgment.

[INDORSEMENT.]

From An unknown Author

[ENCLOSURE.]

America is like a distempered Patient, whose recovery depends upon the skill of the Physician: Her situation is not desperate; but the nicest applications will be necessary to effect her cure; The remedy is certainly in the power of the present Convention; and it is sanguinely expected that their united Wisdom will find out the healing balm and restore her to health and happiness.

It is the duty of every Citizen to bestow his Attention on her subject and to employ what talents Nature may have kindly granted, in assisting to accomplish the great business under public consideration: and I trust so confidently in the good sense and honest intentions of the members of the Philadelphia Convention, that every man, who has any hint or information to give on an occasion so truly important, will be patiently heard. Under this idea of their candour, I presume to mention my opinion respecting the federal Government and to suggest such notions as may be found worthy of attention and improvement.

I understand then that the object desired is a review and alteration of the Articles of Confederation and the perfect establishment of The Federal Constitution of the United States.

In considering this Business, I won'd keep before me the forms of government belonging to the several States; and observing the different principles applicable to each individually and to the whole collectively, I won'd endeavor to raise the Fabric upon general and federal grounds. I won'd positively suffer each State to retain its own sovereignty and independance—to preserve its own form of government—and to exercise within its own limits that general Jurisdiction which it now possesses. I won'd remark (and this particular shon'd engage my keenest attention) that there exists in each Republic a State-interest, and in the United States a federal or continental Interest—that the State-interest is secured, protected and preserved in each government by a watchful constitution, which has provided, on principles of universal Necessity, a legislative, an executive and a judicial power for this essential purpose in all cases which concern

her own internal regulation—and that therefore on similar principles The Federal Constitution must provide a legislative, an executive and a judicial power to secure, protect and preserve the Federal interest in every instance arising out of the policy of the United States.

I would rest the legislative department in the hands of Congress upon its present establishment; that is, their form, the mode of their election and the duration of their appointments should remain upon the present system; for a safer one cannot be devised: But their powers in this capacity should be more enlarged and made as ample as the federal interest should require; and, when ascertained, should be as supreme, as absolute and obligatory upon all continental concerns, as the powers of legislation are in each republic. Congress should consequently be authorized to enact Laws, Statutes or Ordinances in all Cases comprised within their Jurisdiction—whether relating to War, Peace, Commerce, Navigation, Armies, Navies Piracies, Treaties, Alliances, Public Debts, Coinage &c^a &c^a &c^a

But the Enaction of Statutes would be fruitless, unless a force should be granted to compel an obedience, and a power exist to exercise that force and put the Laws in execution. I would therefore vest the executive department in the hands of a Governor assisted by thirteen Councillors, who should be appointed and chosen by Congress annually; being neither members of their own body nor capable of a seat therein during their continuance in office. This is that department, which, when once made safe by the mode of its appointment, will be found essentially useful, by the Vigour it will add to the Statutes of Congress and the dispatch it will ^{communicate} ["give" stricken out] to every public measure. It

shon'd be their Business to collect the common force upon proper emergencies—to superintend the Collection of the federal Revenue—to direct arrangements in the military or naval departments—to appoint and commission proper persons to act under their direction—to sign and seal the public Statutes—and in short to exercise the powers of a supreme Magistrate and Council in all cases respecting which they shon'd derive an Authority from the hands of Congress or the Federal Constitution.

But disputes may arise between the different States or questions of importance be created on various accounts, for the termination of which a proper power shou'd be also established. I wou'd therefore vest the judicial Department ["s" effaced] in the hands of five able persons, to be appointed and commissioned by the supreme Governor and Council during good Behaviour; being neither members of their own body, nor of congress, nor capable of a Seat in either of those departments. It shou'd be their Business, at stated quarterly Terms, to hear and determine all disputes and controversies arising between different States, whether on account of territory, boundary, Jurisdiction or other Cause—to hear and determine all Violations of the Statutes of Congress and to adjudge the penalty or punishments prescribed—to settle and decide on all admiralty-Causes either originally or by way of appeal—and in a word to take Jurisdiction of all such Matters and Cases as shou'd be committed to their Care, either directly by the Constitution or derivatively by Congress. This federal Court shou'd determine its Judgments by the Law of Nations—the Civil Law—the Statutes of Congress—or such other Authorities as may be applicable to the Nature of the Cause; and shou'd observe

such forms and Course of procedure as shou'd be deemed expedient for the trial of Facts, and keep regular Entries of their Transactions by the assistance of a proper officer or Recorder.

I wou'd define the powers of each respective department as accurately as possible and leave little or nothing to discretion: There is an irresistible propensity to power in the mind of Man; and where he is permitted to exercise a Judgment of his own, the error is more commonly on the side of ambition than on the side of modesty. It is true the Nature of their several appointments in a great measure secures from danger; but still in every possible instance the less there is of doubt the less there is also of confusion.

The supreme Magistrate or Governor-General shou'd act in no instance but with the Assistance or Concurrence of the federal Council, or such a number of them as shou'd form a quorum for the dispatch of business: and to give each State a peculiar interest in their Deliberations, it wou'd be proper to consider whether the Council shou'd be wholly elected by Congress, or one of them by the Legislature of the respective States at their annual appointment of officers. They shou'd be intrusted with Authority to appoint and commission all continental officers, such as the Treasurers, the Secretaries, the Surveyors, Ministers, Ambassadors, Collectors, Judges, Admirals, Generals &c^a &c^a &c^a whose continuance in commission shou'd be for one, three or more years according to the nature of the office and at the discretion of the Conventioners, who shou'd ascertain all these particulars. They shou'd have no controul, either of an affirmative or negative kind, over the Statutes of Congress—nor have power to direct the appropriation of public Monies, but where particularly

authorized by the legislative department; and in such cases they shou'd be obliged to render Accounts.

Upon the whole, the hints above mentioned are sufficiently plain to be well understood: The very Idea of Government comprehends unavoidably a power of making Laws—a power to enforce an obedience to those Laws—and a power to settle and determine all disputes, controversies and Causes, the decision of which requires the sanction of those Laws. In other words, a legislative, an exécutive and a judicial power are essentially necessary to Government: The disposal of these Powers, their definition, the judicious application of them to their peculiar department, and the necessary interference of perfect Barriers between the province of each, are to make up the substantial parts of the federal Constitution and shou'd now compose the important Business of the present Convention. I need not remark that it has always been deemed essential to Liberty, that in every Government these three great Powers shou'd be lodged in the hands of different Bodies and be kept independant of each other. That a federal Government must exist is universally acknowledged: This was attempted by the Articles of Confederation, and at this time makes up the object in convention to which every hope is ardently pointed. If it exist, it must contain these three Powers; and they must be vested in separate Hands, or our Liberties, so dearly purchased, must be set in danger. No apprehension, it is true, has been entertained of Congress, in whom all these powers have been awkwardly blended: but it is [^{chiefly} “only” stricken out] because their Authority has been hitherto so limited and confined to a few particular heads as to make them so little an Object of terror that they are every where treated with indifference. It

is submitted to the Wisdom of those conspicuous Characters, who are engaged in this arduous Inquiry, whether this address contain such out-lines as deserve their Attention, and whether the express description and separation of the legislative, the executive and the judicial Departments are not essential to a perfect form of Government.

Cambridge, in Maryland: June 1st 1787.

G^o Washington to Alex^r Hamilton Esq^r

Philadelphia 10th July 87.

[Hamilton Papers, vol. IV, p. 63. Washington Papers, Letter-book 6B, p. 125. Transcript.]

I thank you for your communication of the 3^d—When I refer you to the state of the Councils which prevailed at the period you left this City—and add, that they are now, if possible, in a worse train than ever; you will find but little ground on which the hope of a good establishment can be formed.—In a word, I almost despair of seeing a favourable issue to the proceedings of the Convention, and do therefore repent having had any agency in the business.

The Men who oppose a strong & energetic government are, in my opinion, narrow minded politicians, or are under the influence of local views.—The apprehension expressed by them that the people will not accede to the form proposed is the ostensible, not the real cause of the opposition—but admitting that the present sentiment is as they prognosticate, the question ought nevertheless to be, is it, or is it not, the best form?—If the former, recommend it, and it will assuredly obtain manger opposition

I am sorry you went away—I wish you were back.—The crisis is equally important and alarming, and no opposition under such circumstances should discourage exertions till

the signature is fixed.—I will not, at this time trouble you with more than my best wishes and sincere regards.

[Madison Papers,
vol. IV, p. 8.]

J^s Madison Jr. to [Thomas Jefferson]

Philad^a July 18. 1787.

* * * * *

The Convention continue to sit, and have been closely employed since the Commencement^l of the Session. I am still under the mortification of being restrained from disclosing any part of their proceedings. As soon as I am at liberty I will endeavor to make amends for my silence, and if I ever have the pleasure of seeing you shall be able to give you pretty full gratification. I have taken lengthy notes of every thing that has yet passed, and mean to go on with the drudgery, if ["no" written upon "my"] indisposition obliges me to discontinue it. It is not possible to form any judgment of the future duration of the Session. I am led by sundry circumstances to guess that the residue of the work will not be very quickly despatched. The public mind is very impatient for ye event, and various reports are circulating which tend to inflame curiosity. I do not learn however that any discontent is expressed at the concealment; and have little doubt that the people will be as ready to receive as we shall be able to propose, a Government that will secure their liberties & happiness.

* * * * *

John Jay to His Excellency General Washington

New York 25 July 1787

[Letters to Washington, vol. LXXI, p. 160]

* * * * *

Permit me to hint, whether it would not be wise & seasonable to provide a a strong check to the admission of Foreigners into the administration of our national Government; and to declare expresly that the Command in chief of the american army shall not be given to, nor devolve on, any but a natural born Citizen. * * *

Jas Monroe to [Thomas Jefferson]

Fredricksburg—July 27. 1787.

[Jefferson Papers, series 2, vol. I, VII, No. 30. The interlinear translation is by the Bureau of Rolls and Library. The cipher-key is in the Jefferson Papers, series 5, vol. XI, No. 35.]

* * * * *

With the poli[manuscript torn]cal world I have had little to do since I left Congress. my anxiety however

for the gen^l welfare hath not been diminish'd. 812 433 7
 of the federal govern- ment are I bel- ei- ve
 1352 812 682 1517 664 1470 145 1249 1213 1058
 in the ut- most con- fu- sion the con- vention
 149 812 1270 1619 1527 1323 914 ; 812 1527 779
 is an expedi- ent
 1341 157 111 630 that will produce a decisive effect.
 It will either rec- over us from our present em- bar-
 410 1268 676 898 331 1162 252 266 78 1395 1169
 ras- ment- s or com- ple- at
 128 664 7 324 399 627 301 [illegible number stricken
 ru- in re- com-
 out] 587 149 ; for I do suspect that if what they 130 399
 end re- iect- ed
 790 sho^d be 130 748 1359 this wo^d be the case. but I trust

that the presence of Gen^l Washington will have great weight in the body itself, & that the signature of his name to whatever act shall be the result of their deliberations will secure its passage thro' the union. The county in w^h I reside have plac'd me in the Legislature. I have been mortified

so as to overawe & keep under the demon of party

however to accept this favor from them, at the expence of
 M^r 290 . 757 I suppos'd it might be serviceable to me in
 the line of my profession—my services have been abroad, &
 the establishm^t others have gain'd at the bar in the mean
 time requires every effort in my power to repair the disad-
 vantage it hath subjected me to. ^{The Governour} 812 . 88 . I have reason to
 believe ^{is} 1341 ^{un-} 1495 ^{fri-} 948 ^{end-} 790 ^{ly} 1593 ^{to} 770 ^{me} . 1214 . & hath
 shewn (If I am well inform'd) 101 ^a 1564 ^{dis-} 375 ^{os-} 145 ⁱ⁻ 761 ^{tion} 770 .
^{th-} 417 ^{war-} 1085 ^t 865 ^{me} 1214 ; 736 ^{Ma-} 979 ^{di-} 146 ^{son} . upon whose friend-
 ship I have calculated, whose views I have favor'd, & with
 whom I have held the most confidential correspondence since
 you left the continent, is in strict league ^{with him} 1687 . 935 . & hath I
 have reason to believe concern'd ⁱⁿ 149 ^{ar-} 540 ^{ran-} 1355 ^{ge-} 757 ^{ment-} 664 ^s . 7 .
 unfavorable ^{to} 770 ^{me} 1214 ; a suspicion, supported by some
 strong circumstances, that this is the case, hath given me
 great uneasiness. however in this I may be disappointed &
 I wish it may be so. I shall I think be strongly impress'd ^{in favor of} ^
 & inclin'd to vote for whatever they will recommend. I have
 heard from ^{Rec-} 889 ^{ly} 1593 'tho' not from himself (who accom-
 panied ^{the Governour} 812 . 88 up in ^{exp-} 223 ^{pec-} 1151 ^{ta-} 1187 ^{tion} 761 ^{of} 1352 ^{be-} 1569 ^{ing} .
^{ap-} 782 ^{point-} 257 ^{ed} 1359 ^{cle-} 115 ^{ik} 1573) they had agreed ^{gr-} 1779 ^{ving} 822 . 1465 .
^{the United States} 812 ^a 49 ^{negative} 101 ^{upon} 706 ^{the} 1168 ^{law-} 812 ^s 940 ^{of} 7 . 1352 ^{the} 812 ^{sever-} 172 ^{al} 450 .
^{State-} 174 ^s 7 * this I sho^d think proper—it will if the body is well
 organiz'd, be the best way of introducing uniformity in their
 proceedings that can be devis'd, ^{of} 1352 ^a 101 ^{negative} 706 ^{k-} 1532 nd 1111 .
 or by a power to operate ⁱⁿ⁻ 149 ^{di-} 979 ^{rec-} 898 ^{t-} 865 ^{ly} 1593 . but a
 few months will give us the result be it what it may.

* * * * *

* If it can be done consistently with the constitutions of the several States—indeed it might be well to revise them all—and incorporate the fed^l. constitution in each

Friday—27th

[Washington Papers, Diary No. 11.]

In Convention, which adjourned this day, to meet again on Monday the 6th of August that a Com^{ee} which had been appointed (consisting of 5 Members) might have time to arrange, and draw into method & form the several matters which had been agreed to by the Convention, as a Constitution for the United States.—

* * * * *

Js. Madison Jr. to [James Madison Sr.]

[Madison Papers, vol. IV, p. 6.]

Philad^a July 28. 1787.

* * * * *

I am sorry that I cannot gratify your wish to be informed of the proceedings of the Convention. An order of secrecy leaves me at liberty merely to tell you that nothing definitive is yet done, that the Session will probably continue for some time yet, that an Adjournment took place on thursday last until Monday week, and that a Committee is to be at work in the mean time. * * *

* * * * *

John Jay to the Honorable John Adams Esq^r

[The Papers of the Continental Congress, No. 121, p. 272. Transcript.]

Office for foreign Affairs 31st July 1787

* * * * *

It seems that the Convention at Philadelphia have agreed on the leading Principles or great Outlines of their Plan, & appointed a Committee to put it into Form; but we know not what it is, and I believe it is best that we should not.—

* * * * *

[Madison Papers,
vol. XIV, p. 143.]

[Reverend] J. Madison to [James Madison]

Aug. 1. 1787. Williamsb

We are here, & I believe every where, all Impatience to know something of your conventional Deliberations. If you cannot tell us what you are doing, you might at least give us some Information of what you are not doing. This w^d afford a Clue for political Conjecture, and perhaps be sufficient to satisfy present Impatience. I hope you have already discovered the Means of preserving the American Empire united—& that the [“Apprehensions” stricken out] of a Disunion has been found pregnant with ^{y^e} greatest Evils—But we are not at this Distance able to judge [illegible words stricken out] Accuracy upon subjects so truly important & interesting as those w^{ch} must engage you at present—We can only hope, that you will all resemble Cæsar, at least in one particular, “nil actum reputans si quid superesset agendum”;—& that your Exertions will be commensurate to y^e great Expectations w^h have been formed. It is probable my observations upon Mr A’s Book must have appeared to you to be hasty & undigested.—I wish to know what you think of it—Congress, I find, by a late Ordinance establishing temporary Gov^{ts} in the New States—have adopted the Adamic Idea. Would not the other States be wise to wait for the Issue of the Experiment w^h will there be made—We shall then have two important Exp^{ts} going on at y^e same Time—The Results of w^h may be the best Guide—

* * * * *

W: Short to M^r Madison[Madison Papers,
vol. XIV, p. 143.]

Paris Aug. 1. 1787

* * * * *

We are happy Sir, in being of a country where the rights of man are considered the gift of heaven & not the grant of a crowned head—but we should be still more happy if our countrymen knew how to estimate such a situation—The result of the deliberations of the convention, & the spirit with which they [^{may} "will" stricken out] be recieved in the different states, will show whether we know how to make small sacrifices where necessary to secure general happiness—I confess to you Sir, that past experience makes me fear to look forward to the event of the trial now making. A want of certainty of its doing good, & a certainty of its doing much harm if it does not, makes me regard with anxiety the dubious event.—The representation however is such an one as must effect whatever can be effected by such a convention. You may be sure Sir, I am happy to see that Virginia has furnished her full quota of virtue & talents on this occasion. I am sorry that the Socrates of our State should have been obliged to withdraw his aid on account of the indisposition of a part of his family.

* * * * *

Th: Jefferson to H. E. E. Randolph

[Jefferson Papers
series 1, vol. II, No
317. Press copy.]

Paris Aug. 3. 1787.

* * * I am anxious to hear what you have done in your federal convention. I am in hopes at least you will persuade the states to commit their commercial arrangements to Congress, and to enable them to pay their debts, interest &

capital. the coercive powers, supposed to be wanting in the federal head, I am of opinion they possess by the law of nature, which authorizes one party to an agreement to compel the other to performance. a delinquent state makes itself a party against the rest of the confederacy. * * *

* * * * *

[Jefferson Papers,
series 1, vol. II, No.
319. Press copy.]

Th: Jefferson to E. Carrington esq.

Paris Aug. 4. 1787.

* * * I am happy to find that the states have come so generally into the [^{scheme}“proposition” stricken out] of the Federal Convention, from which I am sure we shall see wise propositions. I confess I do not go as far in the reforms thought necessary as some of my correspondents in America; but if the Convention should adopt such propositions I shall suppose them necessary. my general plan would be to make the states one as to every thing connected with foreign nations, & several as to every thing purely domestic. but with all the imperfections of our present government, it is without comparison the best existing or that ever did exist. it's greatest defect is the imperfect manner in which matters of commerce have been provided ^{for}. it has been so often said, as to be generally believed, that Congress have no power by the confederation to enforce any thing, e. g. contributions of money. it was not necessary to give them that power expressly; they have it by the law of nature. when two nations make a compact, there results to each a power of compelling the other to execute it. compulsion was never so easy as in our case, where a single frigate would soon levy on the commerce of any state the deficiency of it's contributions; nor more safe than in the hands of Con-

gress which has always shewn that it would wait, as it ought to do, to the last extremities before it would execute any of it's powers which are disagreeable.—I think it very material to sepearate in the hands of Congress the Executive & Legislative powers, as the Judiciary already are in some degree. this I hope will be done. the want of it has been the source of more evil than we have ever experienced from any other cause. nothing is so embarrassing nor so mischievous in a great assembly as the details of execution. the smallest trifle of that kind occupies as long as the most important act of legislation, & takes place of every thing else. let any man recollect, or look over, the files of Congress, he will observe the most important propositions hanging over from week to week & month to month, till the occasions have past them, & the thing never done. I have ever viewed the executive details as the greatest cause of evil to us, because they in fact place us as if we had no federal head, by diverting the attention of that head from great to small objects; and should this division of power not be recommended by the Convention, it is my opinion Congress should make it itself by establishing an Executive committee.

* * * * *

Th: Jefferson to M^r Hawkins

Paris Aug. 4. 1787.

[Jefferson Papers,
series 1, vol II, No.
322. Press copy]

* * * * *

I look up with you to the Federal convention for an amendment of our federal affairs. yet I do not view them in so disadvantageous a light at present as some do. and above all things I am astonished at some people's considering a

kingly government as a refuge. advise such to read the fable of the frogs who solicited Jupiter for a king. if that does not put them to rights, send them to Europe to see something of the trappings of monarchy, and I will undertake that every man shall go back thoroughly cured. if all the evils which can arise among us from the republican form of government from this day to the day of judgment could be put into a scale against what this country suffers from it's monarchical form in a week, or England in a month, the latter would preponderate. consider the contents of the red book in England, or the Almanac royale of France, and say what a people gain by monarchy. no race of kings has ever presented above one man of common sense in twenty generations. the best they can do is to leave things to their ministers, & what are their ministers but a Committee, badly chosen? if the king ever meddles it is to do harm.

* * * * *

[Madison Papers,
vol. XV, p. 5.]

James M^cClurg to The hon^{ble} James Madison J^r Esq^e in
Convention Philadelphia

Richmond Aug^t 5. 87.

I am much obliged to you for your communication of the proceedings of y^e Convention, since I left them; for I feel that anxiety about y^e result, which it's Importance must give to every honest citizen. If I thought that my return could contribute in the smallest degree to it's Improvement, nothing should keep me away. But as I know that the talents, knowledge, & well-establish'd character, of our present delegates, have justly inspired this country with y^e most entire confidence in their determinations; & that my vote

could only operate to produce a division, & so destroy y^e vote of y^e State, I think that my attendance now would certainly be useless, perhaps injurious.

I am credibly inform'd that M^r Henry has openly express'd his disapprobation of the circular letter of Congress, respecting y^e payment of British debts; & that he has declared his opinion that y^e Interests of this state cannot safely be trusted with that body. The doctrine of three confederacies, or great Republics, has it's advocates here. I have heard Hervie support it, along with y^e extinction of State Legislatures within each great department. The necessity of some independent power to controul the Assembly by a negative, seems now to be admitted by y^e most zealous Republicans—they only differ about y^e mode of constituting such a power. B. Randolph seems to think that a Magistrate annually elected by y^e people might exercise such a controul as independently as y^e King of G. B. I hope that our representative, Marshall, will be a powerful aid to Mason in the next Assembly. He has observ'd the continual depravation of Mens manners, under y^e corrupting Influence of our Legislature; & is convinc'd that nothing but y^e adoption of some efficient plan from y^e Convention can prevent Anarchy first, & civil convulsions afterwards. * * *

* * * * *

Monday—6th

Met, according to adjournment in convention, & received the Rep^t of the Committee— * * *

* * * * *

[Washington Papers, Diary No. 11. A print of the Report is in the Madison Papers, vol. XV, p. 8; a copy in Madison Papers, vol. III, p. 78 (August 6); and prints with subsequent action of the Convention noted thereon in Constitution Papers (Doc. Hist., I, 285) and Brearley Papers (Doc. Hist., I, 338).]

[Madison Papers,
vol. XV, p. 11.]

[Edward Carrington to James Madison]

New York Aug^t 11. 1787

* * * * *

the departure of N^o Carolina & Georgia left us only 7 States, and the day before yesterday we lost another in the decampment of Doctor Holton, whose declining state of health obliged him to retrograde—the Doctor is tolerably free from localities, and I am sorry to lose him: but on account of the breaking up of Congress, we have but little to regret, unless there had been an early prospect of raising the number of States above 7, for with that number, I think, there will never be a good act passed—all the indian affairs still remain to be acted upon, and many other things of great consequence—the President has been requested to write to the States unrepresented, pressing upon them the objects which require the attendance of their delegations, & urging them to come forward, amongst those objects is that of the report of the Convention, which, it is supposed, is now in the state of parturition—this bantling must receive the blessing of Congress this session, or, I fear, it will expire before the new one will assemble; every experement has its critical stages which must be taken as they occur, or the whole will fail—the peoples expectations are [“rising” stricken out] rising with the progress of this work, but will desert it, should it remain long with Congress—permit ^{me} to suggest one idea as to the mode of obtaining the accession of the States to the new plan of government—let the convention appoint one day, say the 1st of May, upon a convention appointed by the people shall be held in each State, for the purpose of accepting or rejecting in toto, the project—supposing an act of the ordinary legislatures to be equally authentic, which would

not be true, yet many reasons present themselves in favor of special conventions—many men would be admitted, who are excluded from the legislatures—the business would be taken up unclogged with any other—and it would effectually call the attention of all the people to the object as seriously affecting them. [“my reasons for proposing one day for all the States, are that it will cut off” stricken out] all the States being in convention at the same time, opportunities of speculating upon the views of each other would be cut off—the project should be decided upon without an attempt to alter it—you have doubtless found it difficult to reconcile the different opinions in your body—will it not be impossible then, to reconcile those which will arise amongst numerous assemblies in the different States? it is possible there never may be a general consent to the project as it goes out; but it is absolutely certain there will never be an agreement in amendments. it is the lot of but few to be able to discern the remote principles upon which their happiness & prosperity essentially depend— * * *

J^r Madison Jr to Col. James Madison

[Madison Papers,
vol. IV, p. 8.]

Philad^a Augst 12. 1787.

* * * The Convention reassembled at the time my last mentioned that they had adjourned to. It is not possible yet to determine the period to which the Session will be spun out. It must be some weeks from this date at least, and possibly may be computed by months. Eleven States are on the ground, and have generally ^{been} so since the second or third week of the Session. Rhode Island is one of the absent States. She has never yet appointed deputies.

N. H. till of late was the other. That State is now represented. But just before the arrival of her deputies, those of N. York left us. * * *

The Papers of the
Continental Con-
gress. No. 16, p. 329.
Transcript.]

A^r S^t Clair Prsid. to [the Governors of States]

New York

The want of a due Representation in Congress, so frequently as it has happened, and for a length of time together, has very greatly embarrassed the Affairs of the Union, and given much dissatisfaction to the States which generally keep their Representations up, as well as disgust to the Members who attend from those States.—It has been very often complained of, and the States not represented pressed to send their Delegates forward; too often, I am sorry to be obliged to observed Sir, with very little Effect, although it must be obvious that, independent of the great national Concerns which thereby suffer an inconvenient [“Delay” stricken out] at least, if not a disgraceful Delay, their own particular Interests run some risque from public Measures being adopted without the Aid of their Counsels.

What, Sir, must the Nations of the World think of Us when they shall be informed that we have appointed an Assembly and invested it with the sole and exclusive power of Peace and War, and the management of all national Concerns, and, during the Course of almost a whole Year, it has not been capable, except for a few Days, for want of a sufficient number of Members, to attend to these matters. Since the first Monday in Nov^r last to this time there has been a representation of nine States only thirty Days, and of ten States only three Days. And, as the Representation of most

of the States has consisted of only two Persons, no great Business could be done without the unanimous Consent of every individual Member.

We are now Sir reduced to six States altho' matters of the highest Importance are pressing for a Decision, and cannot be long delayed without committing the Dignity of the Government, and exposing the Peace and safety of several of the States. Besides, Sir, the national Convention, to which the People look up for much good will soon rise, and it appears to be of great Consequence that, when their Report comes under the consideration of Congress, it should be a full Congress and the important Business which will be laid before them meet with no unnecessary Delay.

The Secretary wrote, not long ago to the unrepresented States, but no Effect has yet appeared to follow from it. I must therefore again repeat the Request, and in the most pressing terms, that your Excellency will use every means in your power to hasten forward the Delegates of your State.

A Copy of this Letter was sent to the Governors of Georgia, Maryland, Connecticut, Rhode-Island and New Hampshire.

Th: Jefferson to Joseph Jones esq.

Paris Aug. 14. 1787.

[Jefferson Papers,
series 1, vol. II, No.
352. Press copy.]

* * * I am anxious to hear what our federal convention recommends, & what the states will do in consequence of their recommendation. I wish to see our states made as to all foreign, & several as to all domestic matters, a peaceable mode of compulsion over the states given to Congress, & the powers of this body divided, as in the states,

into three departments legislative, executive, & judiciary. it is my opinion the want of the latter organisation has already done more harm than all the other federal defects put together, & that every evil almost may be traced to that source. but with all the defects of our constitutions, whether general or particular, the comparison of our governments with those of Europe are like a comparison of heaven & hell. England, like the earth, may be allowed to take the intermediate station. and yet I hear there are people among you who think the experience of our governments has already proved that republican governments will not answer. send those gentry here to [^{count}“weigh in the other scale” stricken out] the blessings of monarchy. a king’s sister for instance stopped in the road, & on a hostile journey, is sufficient cause for him to march immediately 20,000 men to revenge this insult, when he had shewn himself little moved by the matter of right then in question. * * *

[Letters to Washington, vol. LXXI, p. 185. Jefferson Papers, series 1, vol. II, No. 353. Press copy]

Th: Jefferson to Gen^l Washington

Paris Aug. 14. 1787.

* * * * *

I remain in hopes of great & good effects from the decisions of the assembly over which you are presiding. to make our states one as to all foreign concerns, preserve them several as to all merely domestic, to give to the federal head some peaceable mode of enforcing their just authority, to organise that head into Legislative, Executive, & Judiciary departments are great desiderata in our federal constitution. yet with all it's defects, & with all those of our particular governments, the inconveniencies resulting from them are so light in comparison with those existing in

every other government on earth, that our citizens may certainly be considered as in the happiest political situation which exists.

* * * * *

H KNOX to His Excellency General Washington.

New York 14 August 1787

[Letters to Washington, vol. LXXI, p. 187]

Influenced by motives of delicacy I have hitherto forborne the pleasure my dear Sir of writing to you since my return from Philadelphia

I have been apprehensive that the stages of the business ^{of the convention,} might leak out, and be made an ill use of, by some people. I have therefore been anxious that you should escape the possibility of imputation. But as the objects seem now to be brought to a point, I take the liberty to indulge myself in communicating with you.

Although I frankly confess that the existence of the State governments is an insuperable evil in a national point of view, yet I do not well see how in this stage of the business they could be annihilated—and perhaps while they continue the frame of government could not with propriety be much higher toned than the one proposed. It is so infinitely preferable to the present constitution, and gives such a bias to a proper line of conduct in future that I think all men anxious for a national government should zealously embrace it.

The education, genius, and habits of men on this continent are so various even at this moment, and of consequence their views of the same subject so different, that I am satisfied with the result of the convention, although it is short of my wishes and of my judgement

But when I find men of the purest intentions concur in embracing a system which on the highest deliberation, seems to be the best which can be obtained, under present circumstances, I am convinced of the propriety of its being strenuously supported by all those who have wished for a national republic of higher and more durable powers

I am persuaded that the address of the convention to accompany their propositions will be couched in the most persuasive terms

I feel anxious that there should be the fullest representation in Congress, in order that the propositions should receive their warmest concurrence and strongest impulse.

* * * * *

[Jefferson Papers,
series 1, vol. II, No.
35. Press copy]

Th: Jefferson to The Count del Vermi.

Paris Aug. 15. 1787.

* * * * *

You must have observed when in America that time and trial had discovered defects in our federal constitution. a new essay, made in the midst of the flames of war, could not be perfect. the states have appointed deputies, who are now sitting at Philadelphia, to consider what are these defects, & to propose new articles to be added to the instrument of confederation, for amending them. the articles to be proposed by them, will be to be confirmed by Congress & by the legislature of every state before they will be in force. as yet their proceedings are not known. probably they go to the following points. 1. to invest Congress with the exclusive sovereignty in ever matter relative to foreign

& the general mass of our Union,

nations retaining to the states their individual sovereignty in matters merely domestic. 2. to devise some peaceable mode whereby Congress may enforce their decisions. 3. to organize Congress into three branches Legislative, Executive & Judiciary. I had the honour of informing you of the commotions which had taken place in Massachusetts, the only ones which had ever taken place since the declaration of Independance. I have now that of informing you that those commotions have been entirely quieted. General Washington is well, & is president of the federal convention sitting at Philadelphia as beforementioned. Doctor Franklin & other the greatest characters of America are members of it.

* * * * *

G Washington to The Marq^s de la Fayette.

Philadelphia August 15th 1787

[Washington Papers, Letter-book 6B, p. 131. Transcript.]

Altho' the business of the Fœderal Convention is not yet clos'd, nor I, thereby, enabled to give you an account of its proceedings; yet, the opportunity afforded by Commodore Paul Jones' Return to France is too favourable for me to omit informing you, that the present expectation of the members is, that it will end about the first of next month; when, or as soon after as it shall be in my power, I will communicate the result of our long deliberation to you.

* * * * *

The disturbances in Massachusetts have subsided; but there are seeds of discontent in every part of this Union; ready to produce other disorders if the wisdom of the present Convention should not be able to devise, and the good sense of the people be found ready to adopt a more

vigorous, and energetic government, than the one under which we now live—for the present, from experience, has been found too feeble, and inadequate to give that security which our liberties and property render absolutely assential, and which the fulfilment of public faith loudly requires. Vain is it to look for respect from a broad, or tranquillity at home—vain is it to murmur at the detention of our Western Posts—or complain of the restriction of our commerce—vain are the attempts to remedy the evil complained of by M^r Dumas to discharge the interest due on foreign loans, or satisfy the claims of foreign officers, the neglect of doing which is a high impeachment of our National character, and is hurtful to the feelings of every well wisher to this Country—in and out of it—vain is it to talk of chastising the Algirenes, or doing ourselves Justice in any other respect, till the wisdom and force of the Union can be more concentrated, ^{at} & better applied.

* *at* * * * * * *

[Washington Papers Letter-book rB, f. 134 Transcript.]

G Washington to Major General Knox.

Philadelphia. August 19 1787

By slow, I wish I could add, and sure ^{to say} movements, the business of the Convention progresses but when it will end, or what will be the result, is more than I dare venture to do and therefore shall hazard no opinion thereon. If some thing good does not proceed from the Cession the defects cannot with propriety be charged to the hurry with which the business has been conducted, notwithstanding which many things may be forgot—some of them not well digested—and others from the contrariety of sentiments with which such a body is

pervaded become a mere nihility yet I wish a disposition may be found in Congress, the several State Legislatures—and the community at large to adopt the Government which may be agreed on in Convention because I am fully persuaded it is the best that can be obtained at the present moment under such diversity of ideas as prevail.

* * * * *

A H[amilton] to J Wadsworth Esquire

[Hamilton Papers,
vol. V, p. 77.]

Aug^t 20—87

The enclosed is said to be the Copy of a letter circulating in your state—The history of its appearance among us is that it was sent by one Whitmore of Stratford, formerly in the Pay Master Generals Office to a James Reynold of this City—

I am at a loss clearly to understand its object—and have some suspicion that it has been fabricated to excite jealousies against the Convention with a view to an opposition to their recommendation At all events I wish if possible to trace its source and send it to you for that purpose—

Whitmore must of course say where he got it and by pursuing the information we may at last come at the author—Let me know the political connections of this man and the complexion of the people most active in the circulation of the letter—Be so good as to attend to this enquiry somewh [manuscript torn] particularly, as I have different reasons of some momen[manuscript torn] setting it on foot—

[Letters to Wash-
ington, vol. LXXI,
p. 180.]

W Macintosh to The Honorable, His Excellency General
Washington America

Avignon 20th August 1787.

* * * * *

In this retirement, a mind habituated to activity, & possessing its natural vigour, has often found entertainment in the political machinations of the cabinets of Europe; and very often has it been occupied by the unsettled state of the American Republic: An event which I foresaw at a remote distance.—I have lately perceived, with pleasure, that the formation of a more decided System, was agitated as an indispensable measure,—which is, probably, now under deliberation.—The great outlines, & the minute police, adapted to so extensive a field, and the discordant dispositions of the Provincials, having been the subject of much private reflection, I have, within these few hours, ventured to select some of my thoughts, & to commit them to paper.—They are contained within the small compass of three pages, and are, with proper deference, submitted, for your perusal, Sir, without presuming to hope, that they approach to perfection;—but, in perfect confidence, that if they do convey to your patriotic mind, some useful hints, they will be well received, and applied with effect.

It may seem strange, Sir, that a British Subject should feel an interest in the affairs of a Country, apparently disaffected to his.—That conjecture may require some explanation.—It is thus—Before the Tronbles broke out in America, I had prepared, and begun a plan for realizing a part of my fortune, & finishing the career of life in that Country,—because I approved the climates, & admired the temperance, industry, & prudence of the people.—The petulance & false

pride of the British cabinet, obstructed that object. I thought that the colonists were justified in their resistance; but, abstracted from the natural effects of Passions, roused & warmed by injustice, I thought also, that in prudence, an accommodation, upon equal and equitable principles, would have been equally convenient to them.—No wise man would wantonly thrust himself, & his means, into a country, ravaged & desolated by a civil war;—after the restoration of peace, it did not appear to me that good order was also restored;—as the measure of my means was also reduced to a smaller scale, it was incumbent on me to practice circumspection,—therefore, I could not hazard the application of a Remnant, before I could see a clear pavement to walk over.— moreover,—my principles tell me, that when a political contest is finally adjusted, the Ties of consanguinity, and the obligations of personal friendship, should resume their former stations in the mind;—that a similarity of manners, customs, Rights, Language, & Religion, possess attractive qualities, & attach insensibly, and that the exercise of commerce, should ^{compose} a new Cement, by that confidence & Liberality, which neither the practice, nor the wealth of other manufacturers, can communicate.

* * * * *

[ENCLOSURE.]

Plan of Government suggested for the United States of America. 1787.

The Territorial Limits of the United States of America, extend over 20 degrees of Latitude, and about as many of Longitude.—The progress of cultivation, however rapid & successful it has been, comprises but a narrow Longitudinal

coast towards the Atlantic, in proportion to the whole. The population, though infinitely quicker than in any other Country under Christian Dominion, is, nevertheless, inadequate to the extent of Domain. The improvement of these two objects, is, doubtless, the primary consideration in the councils of a Young State.—In order to accomplish them with Effect, or rather to prevent a total annihilation by disunion, a Government should speedily be constituted, upon a firm & liberal basis, possessed of authority capable of conveying its ordinances, with incontestable vigour & energy to the remotest corner thereof.

A Monarchial Government seems contrary to the principles of a people, whose equality & pretensions since their emancipation, would render the choice of a permanent chief, & the prerogatives indispensable to maintain his dignity, next to impossible. Monarchy should be hereditary, & its prerogative rights constitutional & inviolable. Elections of that importance, would prove perpetual sources of corruption, Tyranny, & anarchy, issuing from the foul fountain of Ambition. Civil commotions would lead to mutilations in the primitive constitution, which would always leave undue & dangerous dependance somewhere. People infatuated by the enthusiasm of Liberty, cannot easily be brought to acquiesce in any measure that has a tendency to restrain the unexplicable idea which they have attached to Civil-Liberty.

A perfect Republican System is incompatible with such an extent of country. It is apprehended, that it is equally incompatible with the adverse principles, which habit has made constitutional in the inhabitants of the Southern & Northern provinces, & their indisposition towards each other,

on frivolous grounds, when not united in a common cause, against a common Enemy.

Democracy is so nearly allied to Anarchy, that no wise people will suffer the idea to penetrate into their deliberations.

Aristocracy is a System worse calculated than a Republic to answer the salutary ends of an extensive Dominion,—and would seem diametrically opposite to the apparent first principles of the people.

Since therefore,—none of the forms heretofore known in civilized nations, appear adapted to answer the salutary ends of the people of America, the great point is, how to constitute a Government, which will embrace such a mixture in its composition, as to Legislate, administer, and Execute, without democracy, Aristocracy, or Monarchy.

Such is the influence of prejudices on the minds of many, that Names & Titles, without investigating the authorities or consequences annexed to them, operate as Bugbears, which the powers of reason cannot remove.—Upon this account, it may require a degree of pardonable finess, to introduce the Estates of Parliament under Titles & denominations least susceptible to animadversion and rejection.

Suppose,—That the proposed Government shall be composed of a Supreme, or Executive-Chief,—Senators,—and Commoners.

That the Provinces, Cities, & Towns, shall elect a number of commoners, in proportion to the actual state of Population; and, that as Provinces, Cities & Towns shall increase, so shall the number of Representatives.

In common-wealths, it should be an inviolate maxim, to divert every source that may lead to Jealousy;—and to

that great end, Luxury should be discountenanced by example, and corrected by reasonable sumptuary laws; taking care, not to interrupt that generous magnanimity which has ever distinguished American Hospitality.

That the commons shall chuse by Ballot, out of their own Body, one-fifth, or a certain other proportion, of the whole, to compose the Senate.

That, in like manner, out of their Body, the Senators shall elect the Supreme or Chief-Executive, Magistrate.

Subordination and Respect, being essential principles in the formation and existence of all Government;—it is, therefore, indispensable that the Executive & ministerial departments, shall possess the faculty of commanding both, by titles & prerogatives inseperable from the Supreme Magistrate, and as emanations from a complete Legislature, the influence whereof should descend to his immediate representatives in their respective stations.

That the Supreme shall be dignified with the Title of Highness. That his assent shall be necessary to constitute statute-Laws. That he may summon or prorogue Parliaments by Proclamation. That he may pardon Crimes, except Treasons*, & remit punishments, fines, and forfeitures, inflicted in the Courts of Law. That he shall appoint to all offices, civil & military; subject, nevertheless, to removal, upon address from the Senate and Commons. That his nomination shall terminate at the end of Five years (less or more) ^{for another term,} unless continued by the suffrage of the Senate; or impeached by the Commons, & convicted upon clear evidence, of abuses & connivances incompatible with the Security, Interests, and dignity of the State.

*which he should have Power to relieve, till submitted to Parliament.

That the Senate shall be addressed Most Noble; a Senator, Right Honorable and the descendants of Senators shall retain the stile & Title of Patricians, & Honorable, at all times. That the most distinguished reward of merit, in civil or military stations, shall, in a Patrician, be a summons to sit in the Senate, and in a Commoner, a patent as Patrician, & a summons to occupy the first vacancy in the Senate. That if, in the body of Patricians, there shall be found a number sufficient & qualified to represent them in Parliament, the Commons shall confine the Election to them only; otherwise, they shall balot for the deficiency out of the Commons then assembled. ¶ It being understood, that the Commons are only to elect into the Order of Patricians,—and that the writ of summons is to follow, of course, in the name of the Supreme.

That the House of Commons shall be addressed Right Honorable, as also their Speaker,—and the Members, Esquires.

That the qualification of an Elector for the representatives of a province shall consist of acres of Land, under Freehold tenure, & cultivation; or acres, freehold tenure, whereof acres shall be under culture. For a City, a Freehold Tenement of the annual value of £ , and for a Town a Tenement of the annual value of £ . That, if required, he shall make Oath, before the Returning Officer, that he is of age (25 Years,) professes christian faith,—and that he possesses, in his own, or in right of his wife, the qualification required by Law.

That the qualification of a Commoner, shall exceed in quantity, or value, that required in an Elector.—That the qualification of a Senator shall exceed that of a Commoner.—

And that the Territorial property of the Supreme shall be so considerable, as to contribute to raise his mind superior to mercenary views.—And, particularly, that he shall be a descendant in, at least, the second degree, of an American Inhabitant, and himself a native of the original British Colonies in America.

That the Protestant shall be the established Religion; but that ^{all} men's consciences shall be free in the avowal and exercise of their Faiths.

The British Constitution, respecting the freedom of Elections, privileges of Parliament, and Trials by Jury, seem to be the wisest that exists. Their acts of navigation, and many of their common & statute Laws seem founded in good policy, and in liberty. But many of their Penal laws, are sanguinary ^{and unjust,} & punishments disproportionate.

Penal & Taxation Laws should, at first, be considered as Experiments, with a limitation: It is the duty of State Lawyers & Financiers to watch over the terms of expiration. The Code, in general, cannot be too simple, nor too concise. Instead of amending &c, defective Laws should be repealed & renewed.

That the respective Provinces shall retain & enjoy Legislative faculties, in what may have relation to provincial & parochial assessments, & internal police, together with subordinate courts of Judicature. That all acts & ordinances of the Supreme Legislature, & proclamations issuing from the Supreme Magistrate in Council, shall have full force, & enjoin implicit obedience, throughout the extended dominion of the States. That all Taxes and Imposts whatsoever, for the support of the civil & military Establishment, & Government, (except duties of impost upon foreign Goods) shall

by the Supreme Legislature.

be apportioned according to the populations & productions of the provinces respectively; in order that each provincial Legislature may assess it, in the most easy & equitable modes, which the Supreme Legislature cannot be presumed to be so competent to judge thereof.

As the Provinces may be continually improving, for ages to come, in population, & productions, and New Provinces, Cities, & Towns erected; there should be fixed terms of years for the revision of the whole,—to the end, that Taxes may fall with equal weight, and that the people may be equally represented.

The freedom of commerce, and a free internal & external intercourse with strangers, should form an active branch of the Constitution*. That debts may never be suffered to accumulate against the State (by which means alone can Commerce be exempt from ruinous fetters) it should be constituted as an invariable rule, never to pledge, under any pretext whatsoever, any one branch of the public revenue; nor to anticipate for any longer period than the current year. Therefore, in cases of real exigencies, if Individuals are not provided with the actual means of immediate payment, the provincial assemblies may authorise Banks to issue Notes to the amount of the deficiency, and lend at a moderate rate of Interest, for a limited term; for which Loans, all the real & personal Estates of the Borrowers, shall, ipso facto, be subjected, in preference to all other claims, whether antecedent or subsequent; it being for the public safety;—and the respective Provinces shall, ultimately, indemnify the Directors.

That the Supreme shall be assisted by a Standing Council

* Free intercourse with strangers means, the privileges of Freehold, rights of inheritance, and free Trade, together with every convenience that can be extended to promote the back Settlements

of State, consisting of the Principal Ministers of State, Chancellor, Chief Justice, Two Chiefs of Army & Navy, President of the Senate, Speaker of the Commons, Provincial Governors, and a certain other number of persons, distinguished for capacity, fidelity, & reputation, indiscriminately chosen.

That a Cabinet Council shall be composed of the Supreme, and any four of the great officers of State, in his choice; the Chancellor, & one Minister of State, being always of the number.

Avignon—August 20th 1787.

[Madison Papers,
vol. XV, p. 13.]

Ja^s M^cClurg to [James Madison]

Richmond Aug^t 22. 87.

I have so much pleasure from your communications, that I shall be careful to acknowledge the receipt of them, with a view to secure their continuance.

I have still some hope that I shall hear from you of y^e reinstatement of y^e Negative—as it is certainly y^e only mean by which the several Legislatures can be restrain'd from disturbing y^e order & harmony of y^e whole, & y^e Govern^t render'd properly national, & one. I should suppose y^t some of its former opponents must by this time have seen y^e necessity of advocating it, if they wish to support their own principles.

* * * * *

A news-paper w^ritter, from Prince-Edward, has promised to investigate, & expose, y^e dangerous tendency, as well as unsoundness of John Adam's doctrines—supposed by some to be M^r H—y. This book is squibb'd at in almost every

paper—but I have not heard that any body speaks of it with more acrimony than your namesake at W^msburg.

* * * * *

John Adams to His Exc^y M^r Jefferson. Paris—

Grosvenor Square, London Aug. 25. 1787

[Jefferson Papers,
series 2, vol. 1, No.
51]

* * * * *

The French Debt, and all the Domestic Debt of the United States might be transferred to Holland, if it were judged necessary or profitable, and the Congress or Convention would take two or three preparatory Steps. All the Perplexities, Confusions and Distresses in America, arise not from defects in their Constitutions or Confederation; not from a want of Honour or Virtue, so much as from down right Ignorance of the Nature of Coin, Credit and Circulation.

* * * * *

Jere Wadsworth to Col Alex Hamilton New York

Hartford August 26 1787

[Hamilton Papers,
vol. XXII, p. 232.]

I rec^d your favor this day with the inclosed Copy of a letter said to be circulating in this State. Some time since a Paragraph in the New Haven Paper hinted at such a letter, & appeared to be written to scare the antifederal Party or alarm them—and I believed it was well intended as it seemed to be meant to prepare them to comply with the doings of the convention—least worse befell them—but the close of this letter appears to be calculated for other puposes. Wetmore has always associated with Men who wished well to America & a good Government he is half Brother to the Spirited fed-

eral Writer in our papers who signs him self Cato—and if he has really written or circulated the letter in question I am quite at a loss to know his intentions—I have communicated this matter to Col Humphry in confidence who is on his way to New Haven (where Wetmore lives, tho formerly of Stratford) he will enquire carefully into y^e matter & write you. he has lived in the same House with Wetmore & can easily fathom him. Wetmore is naturally sanguine has some tallents & I believe is enterprizing—but fiekel who the Active people in this business are I have yet to learn as it certainly has not circulated hereabouts But from Humphry you may expect to know all that is true in Wetmores neighborhood. I have always been Humphrys friend—but a nearer acquaintane with him convince me he is a Man of great integirty—and such talents as would wear well in any employment of consequence—if he comes to New York I wish you to be more Acquainted with him.

[Jefferson Papers,
series 1, vol. II, No.
301 Press copy]

Th: Jefferson to H. E. M^r Adams.

Paris Aug. 30. 1787.

* * * * *

I have news from America as late as July 19. nothing had then transpired from the Federal convention. I am sorry they began their deliberations by so abominable a precedent as that of tying up the tongues of their members. nothing can justify this example but the innocence of their intentions, & ignorance of the value of public discussions. I have no doubt that all their other measures will be good & wise. it is really an assembly of demigods. Gen^l Washington was of opinion they should not separate till October.

D. Humphreys to Col^o Hamilton.

New Haven Sept^r 1st 1787

[Hamilton Papers,
vol. XXII, p. 234.]

Our friend Col^o Wadsworth has communicated to me a letter in which you made enquiries respecting a political letter that has lately circulated in this State. I arrived in this Town yesterday & have since conversed with several intelligent persons on the subject. It appears to have been printed in a Fairfield Paper as long ago as the 25th of July. I have not been able to trace it to its source—M^r Wetmore informs me that when he first saw this letter it was in the hands of one Jared Mansfield, who, I believe, has formerly been reputed a Loyalist. Indeed it seems to have been recieved & circulated with avidity by that Class of People, whether it was fabricated by them or not. I think, however, there is little doubt that it was manufactured in this State. I demanded of M^r Wetmore what he thought were the wishes & objects of the writer of that letter; he said he believed it might be written principally for the amusement of the author & perhaps with some view to learn whether the People were not absolutely indifferent to all government & dead to all political sentiment.

Before I saw the letter in question, a Paragraph had been published by M^r Meigs, giving an account of it & attempting to excite the apprehension of the Antifederalists, with an idea, that the most disastrous consequences are to be expected, unless we shall accept the Proceedings of the Convention. Some think this was the real design of that fictitious performance; but others, with more reason, that it was intended to feel the public pulse & to discover whether the public mind would be startled with propositions of

Royalty. The quondam Tories have undoubtedly conceived hopes of a future union with G. Britain, from the inefficacy of our Government & the tumults which prevailed in Massachusetts during the last winter. I saw a letter written, at that period, by a Clergyman of considerable reputation in Nova Scotia to a Person of eminence in this State; stating the impossibility of our being happy under our present Constitution & proposing (now we could think & argue calmly on all the consequences) that the efforts of the moderate, the virtuous & the brave should be exerted to effect a re-union with the parent State. He mentioned, among other things, how instrumental the Cincinnati might be & how much it would redound to their emolument. It seems by a conversation I have had here, that the ultimate practicability of introducing the Bishop of Osnaburgh is not a novel idea ["among" written upon "with"] those who were formerly termed Loyalists. Ever since the peace it has been occasionally talked of & wished for.—Yesterday, where I dined, half jest, half earnest, he was given as the first Toast.—

I leave you now, my dear friend, to reflect how ripe we are for the most mad & ruinous projects that can be suggested, especially when, in addition to this view, we take into consideration how thoroughly the patriotic part of the Community, the friends of an efficient Government are discouraged with the present System & irritated at the popular Demagogues who are determined to keep themselves in office at the risque of every thing. Thence apprehensions are formed, that tho' the measures proposed by the Convention, may not be equal to the wishes of the most enlightened & virtuous;

yet that they will be[" e " stricken out] too high-toned to be adopted by our popular Assemblies. Should that happen our political Ship will be left afloat on a Sea of Chance, without a Rudder as well as without a Pilot.

I am happy to see you have (some of you) had the honest boldness to attack in a public Paper, the Antifederal Dogmas of a great Personage in your State. Go on & prosper. Were the men of talents & honesty, throughout the Continent, properly combined into one Phalanx, I am confident they would be competent to hew their way thro' all opposition. Were there no little jealousies, bickerings, & unworthy sinister views to divert them from their object, they might by perseverance establish a Government calculated to promote the happiness of Mankind & to make the Revolution a blessing instead of a curse.

I think it probable that I shall soon go to the Southward,

G Washington to The Hon^{ble} John Jay.

Philadelphia Sep^r 2^d 1787

[Washington Papers Letter-book 6B, p. 135. Transcript.]

* * * * *

I regret not having had it in my power to visit New York during the adjournment of the Convention, last Month.—not foreseeing with any precission the period at which it was likely to take place or the length of it, I had put my carriage in the hands of a workman to be repaired and had not the means of mooving during the recess but with, or the curtesy of, others.

I thank you for the hints contained in your letter

Madison Papers,
vol. IV, p. 9.]

J^r Madison Jr to [Jam]es Madison Orange County Virginia

Philad^a Sep^r 4. 1787.

* * * The Convention has not yet broken up but its Session will probably continue but a short time longer. Its proceedings are still under the injunction of secrecy. * * * As soon as the tie of secrecy shall be dissolved I will forward the proceedings of the Convention.

[The Papers of the
Continental Congress,
No. 64, p. 584.]

John Collins to [Arthur St. Clair, President of Congress]

Newport Septem^r 4th 1787

* * * I have not as yet lost all hopes of getting a Representation to the General Convention timely, that their Report may be made in the name of the thirteen United States, the idea of a Report from twelve States only appears extreem disagreeable, I shall spare no pains to prevent it—

[Indorsement.]

Rep^t of Com^e of 11

[Madison Papers,
Unbound.]

In the 1 Clause 1 Sect 7 Art

The Legislature — v power 2 lay & collect taxes duties imposts & Excises to pay the debts & provide for the comon defense & general welfare of the U S.

at the end of the 2^d Clause of the 1st Sect of the 7 Article,
add and with the Indian tribes

In the place of the 9 Art. 1 Sect to be inserted. "The Senate of the U S. shall have power to try all impeachments, but no person shall be convicted without the concurrence of two thirds of the members present

After the word Excellency in 1st Sect of 10 Arti To be inserted " He shall hold his office during the term of 4 years

& together with the Vice President chosen for the same term, be elected in the following manner

Each State shall appoint in such manner as its Legislature shall direct, a number of Electors equal to the whole number of Senators & Members of the house of Representatives to which the State may be intitled in the Legislature—The Electors shall meet in their respective States & vote by ballot for two persons of whom one at least shall not be an Inhabitant of the same State with themselves & they shall make a list of all the persons voted for & of the number of votes for each which list they shall sign & certify & transmit sealed to the Seat of the General Government directed to the President of the Senate. The President of the Senate shall in that house open all the certificates & the votes shall be then & there counted—The person having the greatest number of votes shall be the President if such number be a majority of that of the Electors, & if there be more than one who have such majority & have an equal number of votes, then the Senate shall chuse by ballot one of them for President—But if no person have a majority then from the five highest on the list, the Senate shall chuse by ballot the Presid' & in every case after the choice of the President, the person having the greatest number of votes shall be Vice President, but if there should remain two or more who have equal votes, the Senate shall chuse from them the Vice President—The Legislature may determine the time of chusing & assembling the Electors & the manner of certifying & transmitting their votes

Sect 2^d No person except a natural born citizen or a Citizen of the U S. at the time of the adoption of this Constitution shall be eligible to the office of President—Nor shall any

person be elected to that office who shall be under the age of 35 years & who has not been in the whole at least 14 years a resident within the U States

Sect 3^d The Vice President shall be ex officio President of the Senate except when they sit to try the Impeachment of the President, in which case the Chief Justice shall preside, & except also when he shall exercise the powers & duties of President in which case & in case of his absence the Senate shall chuse a President pro tempore—The Vice President when acting as President of the Senate shall not have a vote unless the house be equally divided

Sect 4th The President by & with the ^{advice &} consent of the Senate, shall have power to make treaties, & he shall nominate & by & with the advice & consent of the Senate shall appoint ^{& consuls} Ambassadors & other public Ministers ^[at foreign courts consuls & agents" stricken out] Judges of the Supreme Court & all other officers of the U S. whose appointments ^{except treaties of peace} are not otherwise herein provided for—But no treaty [^] shall be made without the consent of two thirds of the members present.

After the words "into the service of the U S" in the 2^d Sect 10 Arti. add "& may require the opinion in writing of the principal officers in each of the executive departments upon any subject relating to the duties of their respective offices.

The latter part of the 2^d Sect of the 10 Art. to read as follows.

"He shall be removed from his office on impeach^t by the house of Representatives & conviction by the Senate for treason or bribery & in case of his removal as aforesaid death absence resignation or inability to discharge the powers or duties of his office, the Vice President shall exercise those powers & duties until another President be chosen or until the inability of the President be removed.

[SUBSEQUENT INDORSEMENTS.]

(Appoint^d Aug. 31) Sep^r 4.—the first clause (including
 “Common defence & Gen^l welfare passed nem: con: and, as
 appears, without debate. Quer. if this report be not in the
 handwriting of M^r Sherman?

more probably in that of M^r Brearly

William Gordon to [George Washington]

London Sep^r 6. 1787

[Letters to Wash-
 ington, vol. LXXI,
 p. 195.]

* * * * *

You have been engaged with others in a very arduous
 business. Shall exult upon finding that your united
 labours have provided a safe, efficacious, & permanent
 remedy, for the evils which have so long existed & diffused
 themselves so extensively. 'Tis mortifying that the advan-
 tages gained by the late glorious contest, & that so fine a
 country should not be better improved. It is to be feared,
 that the scenes of blood which have taken place in this old
 world, will be repeated in the new, in some distant period; &
 that America in its turn will become the Aceldama, while
 Europe possibly may sink again into barbarism. These
 events however are so distant, that our happiness need not be
 much impaired with the thought of them.

Js. Madison Jr. to [Thomas Jefferson]

[Madison Papers,
 vol. IV, p. 10.]

Philad^a Sep^r 6. 1787.

My last was intended for the Augst packet and put into
 the hands of Commodore Jones. Some disappointments pre-
 vented his going, and as he did not know but its contents

might be unfit for the ordinary conveyance, he retained it. The precaution was unnecessary. For the same reason the delay has been of little consequence. The rule of secrecy in the Convention rendered that as it will this letter barren of those communications which might otherwise be made. As the Convention will shortly rise I should feel little scruple in disclosing what will be public here, before it could reach you, were it it practicable for me to guard by Cypher against an intermediate discovery. But I am deprived of this resource by the shortness of the interval between the receipt of your letter and the date of this. This is the first ["morning" stricken out] which has been free from Committee service both before & after the hours of the House, and the last that is allowed me by the time advertised for the sailing of the packet.

The Convention consists now as it has generally done of Eleven States. There has been no intermission of its Sessions since a house was formed; except an interval of about ten days allowed a Committee appointed to detail the general propositions agreed on in the House. The term of its dissolution cannot be more than one or two weeks distant. A

The interlinear translation is by the Bureau of Rolls and Library. The cipher-key is in the Jefferson Papers, series 5, vol XI No. 75.]

Government will probably be submitted to the people of the 636 . 1352 . the 174 consisting of a 133 . 1424 301 859 . with 5 ["7" written upon "3"] 7 639 8 1017: a 777 . 1000 1354 777 . by the Legislatures, and another 987 . 1078 . 1354 . 777 . by the people of states possess- ing le- gis- the 636 . 1352 . the 174 jointly 467 607 . the 1406 . 1442 . 1197 544 . 1017 and a regular 1427 . 824 702 . 639 . 979 353 87 ["8" written upon "9"] establishment. The mode of constituting the 577 . 639 . 8 . is among the few points not yet finally settled. The 777 1000 will consist of two 1045 849 . from each 174 . and 782 . 257 . 1359

479 1685 923 1451 9["75" written upon "57"]:
 other, of 1045 849 782 257 1359 669 923 1451
 ally mem- bers ap- point- ed bi- en- ni-
 9["75" written upon "57"] by the 636 1352 the 174
 in proportion to their number. The Legislative power will
 851 790 770 578 310 967 and sundry other general
 matters. The powers of Congress will be 1106 1592 456
 nt- ed 1270 1359 ["among the" stricken out] according to their
 natur- e among the sever- al depart-
 629 8 243 ["1096" stricken out] 812 172 450 1492
 ments rest- ric- ted from paper money
 664. The States will be 224 503 766 252 207 1057
 few other in- sta- n- ces the
 and in a 289 1327 149 477 640 159. These are 812
 out- li- nes
 445 694 1439. The extent of them may perhaps surprize
 you. I hazard an opinion nevertheless that the 1124 1480
 he ad- op- ted will neither effectually 157 1048
 it 1569 1267 340 766
 er nation- al object mis- ch-
 1645 its 275 450 296 nor prevent the local 964 1354
 ie fs cx- ci- te dis- gu-
 581 738' which every where 1255 353 947 1166 1127
 sts state govern- ments
 1543' agst the 174 1517 664. The grounds of this opinion
 will be the subject of a future letter.

* * * * *

Nothing can exceed the universal anxiety for the event of
 the Meeting here. Reports and conjectures abound concern-
 ing the nature of the plan which is to be proposed. The
 Public however is certainly in the dark with regard to it.
 ["What reception will" stricken out] ^{The Convention is equally in the dark as to the reception w. h. may} be given to it on its
 publication. All the prepossessions are on the right side,
 but it ^{may} well be expected that certain characters will wage war
 against ["any" written upon "it"] reform whatever. My
 own idea is that the public mind will now or in a very
 little time receive any thing that promises stability to ^{the} public
 Councils & security to private rights, and that no regard
 ought to be had to local prejudices or temporary considera-

tions. If the present moment be lost it is hard to say what may be our fate.

* * * * *

[The Papers of the
Continental Congress,
No. 121, p. 278
Transcript.]

John Jay to the Honorable Tho^s Jefferson Esq^r

New York 8th September 1787

* * * * *

The Convention will probably rise next Week, and their Proceedings will probably cause not only much Consideration, but also much Discussion, Debate and perhaps Heat; for as docti indoctique scribimus, so docti indoctique disinterested Patriots and interested Politicians will sit in Council and in Judgment, both within and without Doors. There is nevertheless a Degree of Intelligence and Information in the Mass of our People, which affords much Room for Hope that by Degrees our Affairs will assume a more consistent and pleasing Aspect. For my own part, I have long found myself in an awkward Situation, seeing much to be done and enabled to do very little. All we can do is to persevere—if Good results our Labor will not be in vain, if not we shall have done our Duty, and that Reflection is valuable.—

[Madison Papers,
vol. XV, p. 15.]

Ja^s M^cClurg to [James Madison]

Richmond Sept^r 10. 87

* * * * *

There is said to be a disposition generally prevalent thro' this state to comply with y^e plan of y^e Convention without much Scrutiny. Hervey, wh has been in Albemarle lately, says y^t Nicholas is determin'd to support it however contrary it may be to his own opinions. I am persuaded that those

who sacrifice solid & permanent Advantages in this plan, to their Idea of the transitory disposition of the people, will condemn themselves hereafter. * * *

Th: Jefferson to M. Dumas.

Paris Sep. 10. 1787.

[Jefferson Papers,
series 1, vol. II, No.
374. Press copy.]

* * * our Federal convention is likely to sit till October. there is a general disposition through the states to adopt what they shall propose, and we may be assured their propositions will be wise, as a more able assembly never sat in America. happy for us, that when we find our constitutions defective & insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers & set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions. * * *

Saturday 15th

[Washington Papers,
Diary No. 11.]

concluded the business of Convention, all to signing the proceedings; to effect which the House sat till 6 o'clock; and adjourned 'till Monday that the Constitution which it was proposed to offer to the People might be engrossed—and a number of printed copies struck off.— * * *

* * * * *

Th: Jefferson to M^r Wythe

Paris Sep. 16. 1787.

[Jefferson Papers,
series 1, vol. II, No.
381. Press copy.]

* * * * *

you ask me in your letters what ameliorations I think necessary in our federal constitution. it is now too late

to answer the question, and it would always have been presumption in me to have done it. your own ideas & those of the great characters who were to be concerned with you in these discussions will give the law, as they ought to do, to us all. my own general idea was that the states should severally preserve their sovereignty in whatever concerns themselves alone, & that whatever may concern another state, or any foreign nation, should be made a part of the federal sovereignty. that the exercise of the federal sovereignty should be divided among three several bodies, legislative, executive, & judiciary as the state sovereignties are; and that some peaceable means should be contrived for the federal head to enforce compliance on the part of the states.

* * * * *

[Franklin Papers, vol. VIII, p. 1797
Also copy, p. 1796
Madison Papers, vol. III, p. 133 (September 17). Copy.]

M^r President,

I confess that I do not entirely approve of this Constitution at present, but Sir, I am not sure I shall never approve it: For having lived long, I have experienc'd many Instances of being obliged by better Information or fuller Consideration, to change Opinions even on important Subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow the more apt I am to doubt my own Judgment, and to pay more Respect to the Judgment of others. Most Men indeed as well as most Sects in Religion think themselves in Possession of all Truth, and that wherever others differ from them it is so far Error. Steele, a Protestant in a Dedication tells the Pope, that the only difference between our two Churches in their Opinions of the

Certainty of their Doctrine, is, the Romish Church is infallible and the Church of England is never in the Wrong. But tho' many private Persons think almost as highly of their own Infallibility as of that of their Sect, few express it so naturally as a certain French Lady, who in a little Dispute with her Sister, said, I don't know how it happens Sister, but I meet with no body but myself that's always in the Right. Il n'y a que moi qui a toujours Raison.

In these Sentiments, Sir, I agree to this Constitution, with all its Faults, if they are such; because I think a general Government necessary for us, and there is no Form of Government but what may be a Blessing to the People if well administer'd, & I believe farther that this is likely to be well administer'd for a Course of Years, and can only End in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotie Government, being incapable of any other. I doubt too whether any other Convention we can obtain, may be able to make a better Constitution: For when you assemble a number of Men, to have the Advantage of their joint Wisdom, ^{you} inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views. From such an Assembly can a perfect Production be expected? It therefore astonishes me, Sir, to find this System approaching so near to Perfection as it does, and I think it will astonish our Enemies, who are waiting with Confidence to hear that our Councils are confounded, like those of the Builders of Babel, and that our States are on the Point of Separation, only to meet hereafter for the Purpose of cutting one anothers Throats. Thus I consent Sir, to this Constitution because I expect no better, and because I am

not sure that it is not the best. The Opinions I have had of its Errors I sacrifice to the Public Good. I have never whisper'd a Syllable of them abroad. Within these Walls they were born, and here they shall die. If every one of us in returning to our Constituents were to report the Objections he has had to it, and endeavor to gain Partizans in support of them, we might prevent its being generally rec^d and thereby loose all the salutary Effects and great Advantages resulting naturally in our favour among foreign Nations, as well as among ourselves, from our real or apparent Unanimity. Much of the strength and Efficiency of any Government in procuring & securing Happiness to the People, depends on Opinion, on the general Opinion of the Goodness of that Government as well as of the Wisdom & Integrity of its Governors. I hope therefore that for our own Sakes as a Part of the People, & for the sake of our Posterity, we shall act heartily and unanimously in recommending this Constitution, wherever our Influence may extend, and turn our future Thoughts and Endeavours to the means of having it well administer'd.

On the whole Sir, I cannot help expressing a Wish that every Member of the Convention who may still have Objections to it, would with me on this Occasion doubt a little of his own Infallibility, and to make manifest our Unanimity, put his Name to this Instrument.

Then the Motion was made for adding the last Formula, Viz.

Done in Convention by the Unanimous Consent &c^a
which was agreed to & added accordingly.

Major Jackson to General Washington

[Letters to Washington, vol. LXXI, p. 206.]

Monday evening

Major Jackson presents his most respectful compliments to General Washington. * * *

Major Jackson, after burning all the loose scraps of paper which belong to the Convention, will this evening wait upon the General with the Journals and other papers which their vote directs to be delivered to His Excellency

[INDORSEMENT.]

From Maj^r W^m Jackson 17th Sep. 1787.Monday—17th

[Washington Papers, Diary No. 11.]

Met in Convention when the Constitution received the unanimous assent of 11 States and Col^o Hamilton's from New York (the only delegate from thence in Convention) and was subscribed to by every Member present except Gov^r Randolph and Col^o Mason from Virginia—& M^r Gerry from Massachusetts. The business being thus closed, the Members adjourned to the City Tavern, dined together and took a cordial leave of each other.—after which I returned to my lodgings—did some business with, and received the papers from the secretary of the Convention, and retired to meditate on the momentous w^k which had been executed, after not less than five, for a large part of the time six, and sometimes 7 hours sitting every day, sundays & the ten days adjournment to give a Com^{ee} opportunity & time to arrange the business for more than four months.—

[The Papers of the
Continental Con-
gress, No. 64, pp. 585,
600, 592.]

John Collins to His Excellency the President of Congress
Newport September 17th 1787.

I do myself the Honor of transmitting to your Excellency, the several Acts, which passed at the Last Session of Assembly respecting our Federal concerns, together with a Letter which was Reported by a Committee of the Assembly specially appointed, for assigning reasons why this State did not send Delegates to the late Convention at Philadelphia, * * *

[ENCLOSURE NO. 1.]

John Collins Gov to His Excellency the President of Congress
State of Rhode-Island & Providence Plantations.

In General Assembly September Session AD 1787.

Permit the Legislative of this State to address you on a Subject, Which has engaged the attention of the confederated Union; the singularity of our not sending forward to the Convention at Philadelphia, Delegates to represent us there, agreeably to a Resolution of Congress passed the 21st February AD 1787, for the purpose of revising the Articles of Confederation. Our conduct has been reprobated by the illiberal, and many severe and unjust sarcasmes propagated against us, but Sir, when we State to you the reason, and evince the Cause the liberal mind will be convinced that we were actuated by that great principle which hath ever been the Characteristic of this State, the Love of true Constitutional liberty, and the Fear we have of making innovations on the Rights and Liberties of the Citizens at large.

Our conduct during the late trying contest, has shewn forth conspicuous, that it was not from sinister motives but to prevade over the whole. And we presume Sir, that we shall be enabled to fix the same sentiments now.

Your Hon^{ble}. Body informed us that the Powers invested in Congress for the Regulation of Trade were not sufficient for the purpose of the great national Regulations requisite, we granted you by an Act of our State the whole and sole power of making such Laws as would be effectual for that purpose, other States not passing similar laws it had no effect.

An impost was likewise granted but other States in the Union not acceding thereto that measure has proved abortive,—The Requisition of the 21st Feb^y last hath not been acceded, too, because we conceived that as a Legislative Body, we could not appoint Delegates, to do that which only the People at large are intitled to do; by a Law of our State the Delegates in Congress are chosen by the Suffrages of all the Freemen therein and are appointed to represent them in Congress; and for the Legislative body to have appointed Delegates to represent them in Convention, when they cannot appoint Delegates in Congress, (unless upon the Death or other incident matter) must be absurd; as that Delegation in Convention is for the express purpose of altering a Constitution, which the people at large are only capable of appointing the Members.

By the 13th Article in the Confœdation^{cr} "every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of Confederation shall be inviolably observed by every State and the Union shall be perpetual; nor shall any alteration at any time be made in any of them unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the Legislatures of every State".—as the Freemen at large here have the Power of electing Delegates to represent them

in Congress, we could not consistantly appoint Delegates in a Convention, which might be the means of dissolving the Congress of the Union and having a Congress without a Confederation.—You will impute it Sir, to our being diffident of power and an apprehension of dissolving a compact, which was framed by the Wisdom of Men who gloried in being instrumental in preserving the Religious and Civil rights of a Multitude of people, and an almost unbounded territory, that said Requisition hath not been complied with, and fearing when the Compact should once be broken we must all be lost in a common ruin.

We shall ever esteem it a pleasure to join with our Sister States in being instrumental in what ever may be advantageous to the Union, and to add strength and permanance thereto, upon Constitutional principles.

Signed at the request of the General Assembly

[ENCLOSURE NO. 2.]

State of Rhode-Island & Providence Plantations

In General Assembly September Session AD 1787.

We the Subscribers beg leave to protest against the Report of a Letter to the President of Congress, assigning the reasons for the Legislature of this State's refusing to send Members to the Convention at Philadelphia for revising the Articles of Confederation &c. For the following Reasons.

1st For that it has never been thought heretofore by the Legislature of this State, or while it was a Colony, inconsistent with or any Innovation upon the Rights and Liberties of the Citizens of this State to concur with the Sister States or

Colonies in appointing Members or Delegates to any Convention proposed for the General Benefit, but with the highest approbation of the good people of this State and while a Colony, the Legislature have at various times agreed to Conventions with the Sister States and Colonies, and found their Interests greatly served thereby. That to the Congress appointed in the begining of the late arduous struggle with Great Britain, the Members sent from this then Colony were appointed with the fullest powers for carrying on a Defensive War with and finally for declaring these States Independant of Great Britain, and for forming Articles of Confederation, both which Glorions events were received and confirmed by the Legislature of this State with the loudest Acclamations of the people at large.

2^{dly} That the Powers mentioned in said Letter to have been invested in Congress, for the regulating Trade were granted by the Legislature of this State, as also finally granting the Impost, which is inconsistant with the Ideas contained in said Letter, That all such powers are not in the Legislature, but in the people at large.

3^{dly} That by the Articles of Confederation which hath become part of the Constitution of the State it is expressly provided, That when any Alteration is made in the Articles of Confederation it shall be agreed to in a Congress of the United States and be afterwards confirmed by the Legislatures of every State. Which is plainly expressive, that, this Power is in the Legislature only.

4^{thly} By the Articles of Confederation, the appointment of Delegates in Congress is declared to be by the Legislatures

of the several States in such manner as the Legislatures of each State shall direct;—That therefore as The power of appointing Delegates did begin and was continued in the Legislature of this State for several Years, and until by Act of the same Legislatnre the Election of Delegates to Congress was committed to the people at large; and as the General Assembly still on the Death or Resignation of any of the Delegates of this State, or on the recall of any Delegate or Delegates, do exercise the power of appointing others in their Stead, and do by a Law they have enacted prevent their Delegates from proceeding to Congress until special Order or Direction from the Legislature; so it is certain The Legislature had Constitutionally the power of sending Delegates to Congress,—and to presume they have not Power to send Members to a proposed Convention, recommended by Congress, and under the Invitations of their Sister States, must be inconsistant with those powers which all Legislatures must be presumed to possess for the preservation of the Rights Liberties and Priviledges of the People,—Inconsistant with the most common Apprehension; and that a contrary supposition is most absurd.

5^{thly} As it would have been our highest Honor and Interest, to have complied with the tender Invitations of our Sister States, and of Congress,—so our Non-compliance hath been our highest Imprudence, And therefore it would have been more Consistant with our Honor and dignity to have lamented our mistake, and decently appollogised for our Errors, than to have endeavoured to support them on ill founded reasons and indefensible principles.—For these and other reasons which might have been added had we not been

expressly limited to one Hour for making our protest, We dissent from the Reasons suggested in said Letter.

H ^r Marchant	Members for the Town of Newport	John Brown	Members for the Town of Providence
Geo: Champlin		Welcome Arnold	
John Topham		Benj ^a Bourne	
Daniel Mason		Joseph Nightingale	
W ^m Tripp			

A true Copy,

Witness

H^r SHERBURNE D^y Seery

G Washington to His Excell^y Thomas Jefferson.

Philadelphia Sep^t 18th 1787.

Yesterday put an end to the business of the Fœderal Convention. Inclosed is a copy of the Constitution, by it agreed to, not doubting but that you have participated in the general anxiety which has agitated the minds of your Countrymen on this interesting occasion, I shall be excused I am certain for this endeavor to relieve you from it—

[Washington Papers Letter-book 6B,
p. 136. Transcript.]

G Washington to The Marq^s de la Fayette,

Philadelphia Sep^t 18th 1787

In the midst of hurry, and in the moment of my departure from this City I address this letter to you. The principal, indeed the only design of it is, to fulfil the promise I made that I would send you the proceedings of the Fœderal Convention as soon as the business of it was closed.—More than this, circumstanced as I am at present is not in my power to do. nor am I inclined to attempt it, as the enclosure, must

[Washington Papers Letter-book 6B,
p. 145. Transcript.]

speak for itself & will occupy your thoughts for sometime.
 It is the production of four months deliberation. It is now
 a Child of fortune, to be fostered by some and buffeted by
 others. what will be the General opinion on, or the recep-
 tion of it, is not for me to, decide, nor shall I say any thing
 for or against it—if it be good I suppose it will work its way
 good—if bad it will recoil on the Framers.

[Indorsement.]

Conjectures about the new Constitution Hamilton

[Hamilton Papers,
vol. VI, p. 198.]

The new constitution has in favour of its success these
 circumstances—a very great weight of influence of the per-
 sons who framed it, particularly ⁱⁿ the universal popularity of
 General Washington—the good will of the commercial
 interest throughout the states which will give all its efforts
 to the establishment of a [“general” stricken out] govern-
 ment capable of regulating protecting and extending the
 commerce of the Union - - - the good will of [“all”
^{most} stricken out] men of property in the several states who
 wish a government of the union able to protect them
 against domestic violence and the depredations which the
 democratic[“al” stricken out] spirit is apt to make on
 property;—and who are besides anxious for the respecta-
 bility of the nation^{##} a strong belief in the [“minds of all”
 stricken out] people [“of all the states that the present”
 stricken out] confederation [“is insufficient” stricken out]
^{at large of the insufficiency of the present}
^{of the Union} to preserve the existence and [“that” stricken out] the
^{of the necessity of}
 union [“is necessarily” stricken out] to their safety and
 prosperity; [“and” stricken out] of course a strong desire
 of a change and a predisposition to receive well the propo-
 sitions of the Convention.

*the hopes of the
 creditors of the
 United States that a
 general government
 [“possessed of means
 to do it” stricken out]
 possessing the means
 of doing it will pay
 the debt of the
 [“United” stricken
 out] Union

Against its success is to be put,* the influence of ^{^many} inconsiderable men in possession of considerable offices under the state governments who will fear a diminution of their consequence power and emolument by the establishment of the general government —the influence of some considerable men in office possessed of talents and popularity who partly from the same motives and partly from a desire of playing a part in a convulsion for their own aggrandisement will oppose the quiet adoption of the new government—(some considerable men ["out" stricken out] out of office, from motives of ["ab" stricken out] ambition may be disposed to act the same part)—add to these causes the democratical jealousy of the people which may be alarmed at the appearance of institutions that seem to place the power of the community in few hands and to raise a few individuals to stations of great preeminence—and the influence of some foreign powers who from different motives will not wish to see an energetic government established throughout the states.

*the dissent of two or three important men in the convention; who will think their characters pledged to defeat the plan — —

the disinclination of the people to taxes and of course to a strong government—the opposition of ["which" stricken out] all men much in debt who will not wish to see a government established one object of which is to restrain the means of cheating Creditors—

In this view of the subject it is difficult to form any judgment whether the plan will be adopted or rejected. It must be essentially matter of conjecture. The present appearances and all other circumstances considered the probability seems to be on the side of its adoption.

But the causes operating against its adoption are powerful and there will be nothing astonishing in the Contrary—

If it do not finally obtain, it is probable the discussion of the question will beget such struggles animosities and heats in the ["Un" stricken out] community that ["these circum" stricken out] this circumstance conspiring with the

real necessity of an essential change in our present situation will produce civil war. Should this happen, whatever parties prevail it is probable governments very different from the present in their principles will be established—A dismemberment of the Union, and monarchies in different portions of it may be expected.*

*It may however happen that no civil war will take place, but several republican confederacies be established between different combinations of the particular states.

A [^{reunion with} "return to the dominion of" stricken out] Great Britain, from universal disgust at a state of commotion, is not impossible, though not much to be feared. The most plausible shape of such a business would be the establishment of a son of the present monarch in the supreme government of this country with a family compact.

If the government be adopted, it is probable general Washington will be the President of the United States—This will insure a wise choice of men to administer the government and a good administration. A good administration will conciliate the confidence and affection of the people and perhaps enable the government to acquire ["most" stricken out] more consistency than the proposed constitution seems to ^{promise} ["hold out" stricken out] for so great a Country—It may then triumph altogether over the state governments and reduce them to an entire subordination, dividing the larger states into smaller districts. The organs of the ^{er} general government may ^{also} acquire additional strength.

If this should not be the case, in the ["couse" stricken out] course of a few years, it is probable that the contests about the boundaries of power between the particular governments and the general government and the momentum of the larger states in such contests will produce a dissolution of the Union. This arter all seems to be the most likely result.

But it is almost arrogance in so complicated a subject, depending so entirely on the incalculable [^{fluctuations} "vicissitudes" stricken out] of the human passions, to attempt even a conjecture about the event.

It will be Eight or Nine months before any certain judgment can be formed [^{respecting} "about" stricken out] the adoption of the Plan.

B. Franklin to [Mrs. Jane Mecon]

Philad^a Sept. 20. 1787

[Franklin Papers,
vol. VIII, p. 1813.
Press copy.]

* * * * *

The Convention finish'd the 17th Instant. I attended the Business of it 5 Hours in every Day from the Beginning; which is something more than four Months. You may judge from thence that my Health continues; some tell me I look better, and they suppose the daily Exercise of going & returning from the Statehouse has done me good.—You will see the Constitution we have propos'd in the Papers. The Forming of it so as to accommodate all the different Interests and Views was a difficult Task; and perhaps after all it may not be receiv'd with the same Unanimity in the different States that the Convention have given the Example of in delivering it out for their Consideration. We have however done our best and it must take its chance.

* * * * *

J^s Madison Jr. to [Edmund Pendleton]

Philad^a Sep^r 20. 1787

[Madison Papers,
vol. IV, p. 12.]

The privilege of franking having ceased with the Convention, I have waited for this opportunity of inclosing you a

copy of the proposed Constitution for the U. States. I forbear to make any observations on it; either on the side of its merits or its faults. The best Judges of both will be those who can combine a ^{with} ["know" written upon "colle"]ledge of the collective & permanent interest of America, a freedom from the bias resulting from a participation in the work. If the plan proposed be worthy of adoption, the degree of unanimity attained in the Convention is a circumstance as fortunate, as the very respectable dissent on the part of Virginia is a subject of regret. The double object of blending a proper stability & energy in the Government with the essential characters of ^{the} republican ["Form," written upon "Government"] and of tracing a proper line of demarkation between the national and State authorities, was necessarily found to be as difficult as it was desirable, and to admit of an infinite diversity concerning the means among those who were unanimously agreed concerning the end.

* * * * *

[The Papers of the
Continental Congress,
No. 55, p. 207]

[Letter in the handwriting of Roger Alden]

New York Sep^r 21st 1787—

The budget was opened Yesterday and the important secret is now exposed to public view—and I hope it will be approved by every individual—I find it meets with the approbation of many of those Gentlemen of whose opinion and for whose judgment I have the highest respect—but where we may expect opposition is easy to be conjectured—I can readily make three classes—Great Men of our own, who will loose their consequence, little great Men, conscious of their own talents—who know they have not Abilities to become

really great Men—and all those who are really enemies to the happiness of the Country, or have exposed themselves by their crimes, Idleness—and wickedness to the just Laws of society—

Ed. Carrington to The Honble M^r Madison of the Virginia [Madison Papers, vol. XV, p. 18.]
Delegation, now in Philadelphia

New York Sep^r 23. 1787

The Gentlemen who have arrived from the Convention inform us that you are on the way to join us—least, however, you may, under a supposition that the state of the delegation is such as to admit of your absence, indulge yourself in leisurely movements, after the fatiguing time you have had, I take this precaution to apprise you that the same schism which unfortunately happened in our State in Philadelphia, threatens us here also—one of our Colleagues M^r R. H. Lee is forming propositions for essential alterations in the Constitution, which will, in effect, be to oppose it.—Another, M^r Grayson, dislikes it, and is, at best for giving it only a silent [“opposition” stricken out] passage to the States. M^r H. Lee joins me in opinion that it ought to be warmly recommended to ensure its adoption.—a lukewarmness in Congress will be made a ground of opposition by the unfriendly in the States—those who have hitherto wished to bring the conduct of Congress into contempt, will in this case be ready to declare it truly respectable.

Next wednesday is fixed for taking under consideration this business, and I ardently wish you could be with us.

The New York faction is rather active in spreading the seeds of opposition—this, however, has been expected, and

will not make an impression so injurious as the same circumstance would in some other States. Col^o Hamilton has boldly taken his ground in the public papers and, having truth and propriety on his side, it is to be hoped he will stem the torrent of folly and iniquity.

I do not implicitly accede, in sentiment, to every article of the scheme proposed by the convention, but I see not how ["may" stricken out] ^{my} utmost wishes are to be gratified until I can withdraw from society—so long as I find it necessary to combine my strength and interests with others, I must be satisfied to make some sacrifices to the general accommodation.

[Washington Papers, Letter-book 6B, p. 150. Transcript.]

G Washington to Patrick Henry Esq^r Benj: Harrison Esq^r
& Gen^l Nelson.

Mount Vernon Sep^r 24th 1787

In the first moments after my return I take the liberty of sending you a copy of the Constitution which the Fœderal Convention has submitted to the People of these States.

I accompany it with no observations—your own Judgment will at once discover the good, and the axceptionable parts of it.—and your experience of the difficulties which have ever arisen when attempts have been made to reconeile such variety of interests, and local prejudices as pervade the several States will render explanation unnecessary. I wish the Constitution which is offered had been made more perfect, but I sincerely believe it is the best that could be obtained at this time—and as a constitntional door is opned for amendment hereafter—the adoption of it under present circumstances of the Union is in my opinion desirable.

From a variety of concurring accounts it appears to me that the political concerns of this Country are, in a manner, suspended by a thread. That the Convention has been looked up to by the reflecting part of the community with a Sollicitude which is hardly to be conceived, and that, if nothing had been agreed on by that body, ["that" stricken out] anarchy would soon have ensued—the seeds ["of which" stricken out] being reiply sown in every soil.

J Dawson to Honble James Madison New York

Fredricksburg Sep^r 25. 1787

[Madison Papers,
vol. XV, p. 10.]

On my arrival in this town, on the last evening, I was much disappointed in receiving no letter from you.

The proceedings of the Convention have been forwarded by M^r Randolph to Mess^{rs} Mercer and Monroe, and are at this moment ^{the} subject of general conversation in every part of the town, and will soon be in every quarter of the state—Opinions have already been deliver'd, and that work, which was the production of much labour & time, has been in a few hours either damn'd or applauded, according to the wish, sentiments, or interest of the politician—altho there are many warm friends to the plan, be assur'd that the opposition will be powerful—our old friend, the Colo from Frederick, will, I think, be much alarm'd, and will not fail to paint his fears in strong colours—I also think the powerful member from P. E. will be unfriendly—a report is circulated, that some few days since the people of that county (P. E) were assembled, and harangued by M^r H. in favour of a paper currency—that a M^r Smith, of the Academy, opposd the scheme—that on a division a large majority coincided with M^r Smith—That

Mr Smith then recommended to them the adoption of whatever should be done in convention; to which they agreed— That Mr H. informd them, that they should no longer consider him as their representative—

* * * * *

[Madison Papers, vol. XV, p. 20.] Tench Coxe to The hon^{ble} James Maddison Jr Esq^r Virginia
Delegation New York

Philad^a 27th Sept. 1787.

My anxiety in favor of the new federal Constitution has induced me to attempt some comments on it, that might render it more clear and agreeable to the people at large, than the concise manner, in which it was necessarily drawn up, would admit of. A friend, with whom I ventured to converse on the Subject, has pressed me to pass them thro the papers of Virginia and New York. This will apologize to you for the trouble I give you in enclosing to you copies of the first & second Numbers. I beg the favor of ^{your} perusing them with Col. Hamilton, to whom make my apology also for the liberty, and, if you and he think they will be of any Service be pleased to have them reprinted in the papers of those States. I would beg leave to suggest, that if they appear worthy of this, it would be most useful to have them inserted in such Virginia paper, as circulates most in your western Counties. By the next post I will forward the third Number, which treats of the house of Representatives. The good Effects of the gov^tment I have not spoken of, my Object has been to remove apprehensions & to obviate popular reasonings drawn from the public feelings. In

doing this in a public Newspaper more attention to those feelings, in the language I have used, was necessary, than if I had addressed a philosophic mind.

* * * * *

Thursday Sept 27. 1787

Congress assembled, present as before

[The Papers of the
Continental Con-
gress, No. 1, vol.
XXXVIII.]

According to Order Congress resumed the Consideration of the form of a Constitution for the United States of America ["transmitted" stricken out] framed and transmitted^{to Congress} by the Convention of the States held at Philadelphia pursuant to the Resolve of the twenty first day of February last, And a motion being made by M^r R H Lee seconded by M^r Smith^{Resolved} in the words following "That Congress after due attention to the Constitution under which this body exists and acts find that the said Constitution in the thirteenth article thereof limits the power of Congress to the amendment of the present confederacy of thirteen states, but does not extend it to the creation of a new confederacy of nine states; and the late Convention having been constituted under the authority of twelve states in this Union it is deemed respectful to transmit and it is accordingly ordered that the plan of a new federal constitution laid before Congress by the said convention be sent to the executive of every state in this Union to be laid before their respective legislatures".—

[Draft of this reso-
lution in The Papers
of the Continental
Congress, No. 36, vol.
III, p. 377.]

A motion was made by M^r Clarke seconded by M^r Mitchel to postpone the consideration of that Motion in order to take up the following "That a copy of the Constitution agreed to and laid before Congress by the late Convention of the several states with their resolution, and the letter accompanying

the same be transmitted to the executives of each state to be laid before their respective legislatures in order to be by them submitted to conventions of delegates to be chosen agreeably to the said resolutions of the Convention"

On the question to postpone for the purpose above mentioned the yeas & nays being required by M^r R H Lee

Newhampshire	M ^r Langdon	ay	ay
	M ^r Gilman	ay	
Massachusetts	M ^r Gorham	ay	ay
	M ^r King	ay	
	M ^r Dane	ay	
Connecticut	M ^r Johnson	ay	ay
	M ^r Cook	ay	
New York	M ^r Smith	no	no
	M ^r Haring	no	
	M ^r Yates	no	
New Jersey	M ^r Cadwallader	ay	ay
	M ^r Clarke	ay	
	M ^r Selurman	ay	
Pensylvania	M ^r St Clair	ay	ay
	M ^r Irwine	ay	
	M ^r Bingham	ay	
	M ^r Armstrong	ay	
Delaware	M ^r Kearny	ay	ay
	M ^r Mitchell	ay	
Maryland	M ^r Ross	ay	x
Virginia	M ^r Grayson	no	ay
	M ^r Madison	ay	
	M ^r R H Lee	no	
	M ^r Carrington	ay	
	M ^r H Lee	ay	

North Carolina	M ^r Blount	ay	} ay
	M ^r Ashe	ay	
	M ^r Burton	ay	
South Carolina	M ^r Kean	ay	} ay
	M ^r Huger	ay	
	M ^r Butler	ay	
Georgia	M ^r Few	ay	} ay
	M ^r Pierce	ay	

So it was resolved in the affirmative—

On motion of M^r Carrington seconded by M^r Bingham the motion of M^r Clarke was postponed to take into consideration the following motion viz “Congress proceeded to the consideration of the Constitution for the United states by the late Convention held in the City of Philadelphia & thereupon resolved That Congress do agree thereto and that it be recommended to the legislatures of the several states to cause conventions to be held as speedily as may be to the end that the same may be adopted ratified and confirmed.—

M^r Dane's Motion respect^g new Constitution Oct^r 1787— [Indorsement.]

Whereas Congress sensible that there were defects in the present Confederation; and that several of the States were desirous that a Convention of Delegates should be formed to consider the same, and to propose necessary alterations in the federal Constitution; in February last resolved that it was [“in their opinion” stricken out] expedient that a Convention of the States should be held for the sole and express purpose of revising the articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as should when agreed

[The Papers of the Continental Congress, No. 36, vol. III, p. 375.]

to in Congress, and ^{be} confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the union—

And whereas it appears by Credentials laid before Congress, that twelve States appointed Delegates who assembled in Convention accordingly, and who did on the 17th instant by the unanimous consent of the States then present in convention agree[“d” stricken out] upon, and afterwards la[“y” written upon “id”] before Congress, a Constitution for the United States, to be submitted [“with the” stricken out] to a convention of Delegates, chosen in each State by the people thereof, under the recommendation of it's legislature, for their assent and ratification which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation;—to alterations in which articles, the deliberations and powers of Congress are, in this Case, constitutionally confined—and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation—and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a system of Government no way connected with those forms: but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respective legislatures thereof Therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and ^{their} letter directed to the President of Congress—

B Franklin to [Alexander Small]

Philad^a Sept. 28. 1787.

[Franklin Papers,
vol. VIII, p. 1816.
Press copy.]

* * * * *

We in America have lately had a Convention for framing a new federal Constitution. Enclos'd I send you the Result of their Deliberations. Whether it will be generally acceptable and carried into Execution is yet to be seen; but present Appearances are in its favour.

* * * * *

D. Humphreys to His Excellency Gen^l Washington.

New Haven Sept^r 28th 1787

[Letters to Wash-
ington, vol. LXXI,
p. 211.]

I would not trespass on your attention, while you was occupied in such momentuous affairs as the revival of the confederation: the last time I had the honor of addressing a letter to you, was, I believe, in the beginning of June, from this place—in that letter was enclosed the sketch of an Answer to M^r Jefferson. I hope it came safe to your hands.

We have been, a few days since, gratified with the publication of the Proceedings of the Convention. I must acknowledge myself to have been favorably disappointed & highly pleased with the general tenor of them. Altho'

it is impossible in so short a time to collect the sentiments of the Public with certainty, and altho attempts to prevent the adoption must be expected, yet, I cannot but hope, from what I hear, that the opposition will be less than was apprehended. All the different Classes in the liberal professions will be in favor of the proposed Constitution. The Clergy, Lawyers, Physicians & Merchants will have considerable influence on Society. Nor will the Officers of the late Army be backward in expressing their approbation. Indeed the well affected have not been wanting in efforts to prepare the minds of the Citizens for the favorable reception of whatever might be the result of your Proceedings. I have had no inconsiderable agency in the superintendence of two Presses, from which more News Papers are circulated, I imagine, than from any others in New England. Judicious & well-timed publications have great efficacy in ripening the judgment of men in this quarter of the Continent. In case that every thing succeeds in the best manner, I shall certainly be the first to rejoice in finding that my apprehensions were not verified; as well as to felicitate you upon having contributed your assistance on so interesting & important an occasion. Your good Angel, I am persuaded, will not desert you. What will tend, perhaps, more than any thing to the adoption of the new System, will be an universal opinion of your being elected President of the United States, and an expectation that you will accept it for a while.

Since I had the honor of seeing you, in Philadelphia, I have made the tour of the New England States, as far as Portsmouth. I was happy to find in Massachusetts the spirit of Insurrection pretty generally subsided, and an

impression left on the minds of People, in most of the States, that some thing energetic must be adopted respecting the national Government or we shall be a ruined Nation.

* * * * *

Th: Jefferson to M^r Adams

Paris Sep. 28. 1787.

[Jefferson Papers,
series 1 vol. II, No.
400 Press copy.]

I received your favors by M^r Cutting, and thank you sincerely for the copy of your book. the departure of a packet-boat, which always gives me full employment for sometime before, has only permitted me to look into it a little. I judge of it from the first volume which I thought formed to do a great deal of good. the first principle of a good government is certainly a [^{distribution} "division" stricken out] of it's powers into executive judiciary, & legislative, and a subdivision of the latter into two or three branches. it is a good step gained, when it is proved that the English constitution, acknowledged to be better than all which have proceeded it, is only better in proportion as it has approached nearer to this distribution of powers. from this the last step is easy, to shew by a comparison of our constitutions with that of England, how much more perfect they are. the article of Confederations is surely worthy of your pen. it would form a most interesting addition to shew what have been the nature of the Confederations which have existed hitherto, what were their excellencies & what their defects. a comparison of ours with them would be to the advantage of ours, and would increase the veneration of ^{our} countrymen for it. it is a misfortune that they do not sufficiently know the value of their constitutions & how much happier they are rendered by them than any

other people on earth by the governments under which they live.

* * * * *

[Madison Papers, vol. XV, p. 21.] Tench Coxe to The hon. Jas^s Maddison Jr Esq^r Virginia
Delegation New York

Philadelphia Sept. 28th 1787—

I troubled you with a few lines by M^r Moore, in which I promised myself the pleasure of sending you the third Number of the American Citizen, which I have now the pleasure to enclose. Our house is at this Moment on the Adoption of the plan. A Motion to postpone was made by our Western Members, but on the Question only 12 were for the postponement. The house are now proceeding, and the Resolution before them is to this Effect “that the house recommend to the people of Pennsylvania the calling a Convention agreeably to the plan proposed by the late federal Convention for the purposing of considering the [“the” stricken out] new Constitution &c^a”

A second Resolution is to follow fixing the times of Election & Meeting. There is very little doubt that it will be carried, I have none indeed. M^r Findley stated his ideas on the subject fully, and went so far as to say that he thought a Convention ought to be called and expected it would be called. He made no observation unfavorable to the new Constitution. * * *

The only ground of opposition was not having the Constitution before the house from Congress.

29th Our assembly on a Division^{on}_^ the first Question were 43

for it, & 19 against, M^r Morris was not in the house. There were 34 Republicans & 9 Constitutionalists in the 43. The principal Germans were among the nine. The Western Members chiefly composed the 19. This took place about two O'Clock when the house adjourned till after dinner. On the call of the Roll there appeared but 45 Members, 46 is a quorum. This appearing designed to prevent the second Resolution fixing the time, manner &c^a of electing and convening the State Convention the Sarj^ant at Arms was sent for the 17 Absentees who were found together at the House a great constitutional partizan a Major Boyd, with two constitutional Members of the Council from the Western Counties Mess^{rs} J. M^cClene & Smilie. They rec^d the speakers Message from the Sarj^ant, but refused to go to the House. The house adjourned till this Morning at 1² past nine.

It appears probable to me from the information I have been able to collect that Judge Bryan was with the 17 prior to the Sarjeants finding them, but not at the time. A M^r Whitehill, one of the constitutional leaders, certainly was at his house at dinner.

It appears from these facts, that the Western people have a good deal of Jealousy about the new constitution, and it is very clear that the men, who have been used to lead the Constitutional are against it decidedly. I am sorry for any thing that appears irregular, or looks like an interruption of peace, but I have no doubt of a large Majority of the Convention adopting the new frame of government in toto. One thing will certainly follow the rending the constitutional party to pieces, when the animosities among them will be more bitter from their former cordiality—

The enclosed paper has also the resolution of the house at large—

The arrival of the recommendation of Congress before ten O'Clock to day would be a most happy circumstance.

[Madison Papers,
vol. IV, p. 13.]

J^s Madison Jr. to [James Madison Sr.]

New York Sep^r 30. 1787.

By M^r Blair who left Philad^a immediately after the rising of the Convention, I sent to the care of M^r F. Maury a copy of the new Constitution proposed for the U. S. M^r Blair set out in such haste that I had no time to write by him, and I thought the omission of the less consequence as your last letter led me to suppose that you must about that time be absent on your trip to Frederick. I arrived here on monday last. The Act of the Convention was then before Congress. It has been since taken^{up}, & by a unanimous vote forwarded to the States to be proceeded on as recommended by the Convention. What reception this new System will generally meet with cannot yet be pronounced. For obvious reasons opposition is as likely to arise in Virginia as any where. The City of Philad^a has warmly espoused it. Both parties there, it is said, have united on the occasion. It may happen nevertheless that a Country party may spring up and give a preponderancy to the opposite scale. In this City, the general voice coincides with that of Philad^a but there is less apparent unanimity, and it is pretty certain that the party in power will be active in defeating the new System. In Boston the reception given to it is extremely favorable we are told, but more will depend on the Country than the Town. The eccho from Connecticut & New Jersey, as far as

it has reached us, denotes a favorable disposition in those States.

* * * * *

J^r Madison Jr. to General Washington.

N. York Sep^r 30. 1787.

[Letters to Wash-
ington, vol. LXXI.
p 213]

I found on my arrival here that certain ideas unfavorable to the Act of the Convention which had created difficulties in that body, had made their way into Congress. They were patronised chiefly by M^r R. H. L. and M^r Dane of Mass^{ts}. It was first urged that as the new Constitution was more than an alteration of the Articles of Confederation under which Congress acted, and even subverted these articles altogether, there was a constitutional impropriety in their taking any positive agency in the work. The answer given was that the Resolution of Congress in Feb^y had recommended the Convention as the best mean of obtaining a firm national Govern-
by their Commissions
ment; that as the powers of the Convention were defined in nearly the same terms with the powers of Congress given by the Confederation on the subject of alterations, Congress were not more restrained from acceding to the new plan, than the Convention were from proposing it. If the plan was within the powers of the Convention it was within those of Congress; if beyond those powers, the same necessity which justified the Convention would justify Congress; and a failure of Congress to concur in what was done, would imply either that the Convention had done wrong exceeding their powers in ["proposing a national Government" stricken out], or that the Government proposed in itself was liable to insuperable objections: such that an inference would be the more natural, as Congress

had never scrupled to recommend measures foreign to their constitutional functions, whenever the public good seemed to require it; and had in several instances, particularly in the establishment of the new Western Governments, exercised assumed powers of a very high & delicate nature, under motives infinitely less urgent than the present state of our affairs, if any ^{faith} were due to the representations made by Congress themselves, echoed by 12 States in the Union, and confirmed by the general voice of the people. An attempt was made in the next place by R. H. L. to amend the Act of the Convention before it should go forth from Congress. He proposed a bill of Rights—provision for juries in civil cases & several other things corresponding with the ideas of Col. M— He was supported by M^r Me— Smith of this State. It was contended that Congress had an undoubted right to insert amendments, and that it was their duty to make use of it in a case where the essential guards of liberty had been omitted. On the other side the right of Congress was not denied, but the inexpediency of exerting it was urged on the following grounds. 1. that every circumstance indicated that the introduction of Congress as a party to the reform, was intended by the States merely as a matter of form and respect. 2. that it was evident from the contradictory objections which had been expressed by the different members who had animadverted on the plan, that a discussion of its merits would consume much time, without producing agreement even among its adversaries. 3. that it was clearly the intention of the States that the plan to be proposed should be the [“ joint ” stricken out] act of the Convention with the assent of Congress, which could not be the case, if alterations were made, the Convention being no longer in existence to

adopt them. 4. that as the Act of the Convention, when altered would instantly become the mere act of Congress, and must be proposed by them as such, and of course be addressed ^{to} the Legislatures, not conventions of the States, and require the ratification of thirteen instead of nine States, and as the unaltered act would go forth to the States directly from the Convention under the auspices of that Body—some States might ratify one & some the other of the plans, and confusion & disappointment be the least evils that could ensue. These difficulties which at one time threatened a serious division in Cong^s and popular alterations with the yeas & nays on the journals, were at length fortunately terminated by the following Resolution—“Congress having rec^d the Report of the Convention lately assembled in Philad^a, Resol^d unanimously that the said Report, with the Resolutions & letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made & provided in that case”. Eleven States were present, the absent ones R. I. & Maryland. A ^{more} direct approbation would have been of advantage in this & some other States, where stress will be laid on the agency of Congress in the matter, and a handle taken by adversaries of any ambiguity on the subject. With regard to Virginia & some other States, reserve on the part of Congress will do no injury. The circumstance of unanimity must be favorable every where.

The general voice of this City seems to espouse the new Constitution. It ^{is} supposed nevertheless that the party in power is strongly opposed to it. The Country must finally

decide, the sense of which is as yet wholly unknown. As far as Boston & Connecticut has been heard from, the first impression seems to be auspicious. I am waiting with anxiety for the echo from Virginia but with very faint hopes of its ["being" stricken out] corresponding with my wishes.

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[Letters to Washington, vol. LXXI, p. 215.]

J: Rutledge to His Excellency Gen^l Washington

Philadelphia oct^r 1. 1787.

* * * * *

I returned, yesterday, from New-York, where, I think, the new Constitution will be very generally approved—It is, here, almost universally— * * *

[The Papers of the Continental Congress, No. 123, p. 289, Transcript.]

John Jay to the Honorable John Adams Esq^r

Office for foreign Affairs 3^d October 1787

* * * * *

I enclose a Copy of the fœderal Government recommended by the Convention, and which has already passed from Congress to the States. What will be its Fate in some of them is a little uncertain; for although generally approved, an Opposition is to be expected, and in some Places will certainly be made to its Adoption.

There are now but nine States represented in Congress, & unless that Number should continue there for some Weeks, much Business, and particularly in the Department of foreign Affairs, will remain unfinished. There is much to be done, and I am apprehensive that much will be left too long undone; for the Expectation of a new Government will probably relax the Attention and Exertions of the present.—

H KNOX to His Excellency General Washington

New-York 3 October 1787

[Letters to Wash-
ington, vol. LXXI,
p. 216.]

* * * * *

Every point of view in which I have been able to place the subject induces me to believe, that the moment in which the convention assembled, and the result thereof, are to be estimated among those fortunate circumstances in the affairs of men, which give a decided influence to the happiness of society for a long period of time.

Hitherto every thing promises well. The new constitution is received with great joy by all the commercial part of the community. The people of Boston are in raptures with it as it is, but would have liked it still better had it been higher toned.

The people of Jersey and Connecticut who are not commercial embrace it with ardor. There has not yet elapsed sufficient time to hear from the interior parts of the other States excepting this, which however does not seem to have decided on its plan of conduct. It will not probably be among the first which shall adopt it, but I presume the powerful circumstance of interest will ultimately induce it to comply.

As the information now appears Virginia probably will give the new plan, the most formidable opposition

The unanimous resolve of Congress to transmit it to the respective States will not lessen the general disposition to receive it

But notwithstanding my strong persuasion that it will be adopted generally, and in a much shorter time than I some time ago believed, yet it will be opposed more or less in most of the States.

The germ of opposition originated in the convention

itself. The gentlemen who refused signing it will most probably conceive themselves obliged to state their reasons publicly. The presses will groan with melancholy forebodings, and a party of some strength will be created. This is an evil, but it is an infinitely lesser evil than that we should have crumbled to peices by mere imbecillity.

government

I trust in God, that the foundation of a good national is layed. A Way is opened to such alterations and amendments from time to time as shall be judged necessary, and the government being subjected to a revision by the people will not be so liable to abuse. The first Legislature ought to the be ablest & most disinterested men of the community. Every well founded objection which shall be started in the course of the discussions on the subject should be fairly considered, and such fundamental Laws enacted as would tend to obviate them

[Letters to Washington, vol. LXXI, p. 218.]

Benj Harrison to [George Washington]

Berkley Oct^r 4^h 1787

Your favor of the 28^h. Ult^o got to me two days ago: I am particularly obligd to you for this additional mark of your freindship, and attention, than which, there are very few things indeed, that can be more acceptable; I feel my self deeply interested in every thing that you have had a hand in, or that comes from you, and am so well assured of the solidity of your judgment, and the rectitude of your intentions, that I shall never stiek at trifles to conform my self to your opinions; in the present instance, I am so totally uninform'd as to the general situation of America, that I can

form no judgment of the necessity the convention was under ["of" stricken out] to give us such a constitution as it has done; If our condition is not very desperate, I have my fears that the remedy will prove worse than the disease. Age makes men often over cautious; I am willing to attribute my fears to that cause, but from whatever source they spring, I can not divest my self of an opinion, that the seeds of civil discord are plentifully sown, in very many of the powers given both to the president and congress, and that if the constitution is carried into effect, the States south of potowmac, will be little more than appendages to those to the northward of it. You will say that general charges, are things without force, they are so, but in the present instance, I do not withhold particular observations, because I want them, but that I would not tire your patience, by entering deeply into a subject, before I had heard the reasons which operated in favor of the measures taken. After the meeting of the assembly, and hearing from those who had a hand in the work, the reasons that operated with them, in favor of their measures, I will then more at large give you my sentiments, in the interim, I shall only say, that my objections chiefly lay, ag^t the unlimited powers of taxation, and the regulations of trade, and the jurisdictions that are to be established in every State, altogether independent of their laws. The sword, and such powers will; nay in the nature of things they must sooner or later, establish a tyranny, not inferiour to the triumvirate, or centum viri. of Room.

[Jefferson Papers,
series 2, vol. LXXIV,
No. 25.]

W.. S.. Smith to [Thomas Jefferson]

London October 4th 1787.

* * * * *

Mr A has received a Letter from Richard Henry Lee from New York of the 3^d of September as from a particular part of it, you may be informed what projects are likely to come forward, I forward it—in the mean time with the most perfect submission to clear and more brilliant heads—I must confess to me it casts “shadows clouds & darkness” on the subject, and I am apprehensive if too great a refinement is attempted in the Principles of Government in the formation of a new fœdral system we shall risk the existance of the fœdral head and furnish grounds for a few discontented Demagogues to step forward and attempt to destroy the fabric—but God forbid

“On my arrival here I met with, & read with great pleasure
“your book on the American Governments—The Judicious
“collection that you have made, with your just reflections
“thereon, have reached America at a great crisis, and will
“probably have their proper influence in forming the fœdral
“Government now under consideration Your Labour may
“therefore have its reward in the thanks of this and future
“generations—The present federal system, however well
“calculated it might have been for its designed ends, if the
“States had done their duty, under the almost total neglect
“of that duty has been found quite in[“su^e” stricken
“out]fficient & ineffectual—The government must be both
“Legislative and Executive, with the former powers para-
“mount to the state Legislatures in certain respects essential
“to fœdral purposes.—I think there is no donbt but that this
“Legislature will be recommended to consist of the triple

“ballance, if I may use the expression to signify a compound
 “of the three simple forms acting independently, but forming
 “a joint determination—The Executive [“to have” stricken
 “out] (which will be part of the legislative) to have more
 “duration & power enlarged beyond the present. This
 “seems to be the plan expected & generally spoken of &c”

Will you be so good as to enlighten me by some observations on this subject—& let me know of what the fœdral power is to consist which is to aid the executive in carrying into effect the decisions of the Legislative in case of particular, states objecting?

G Mason to His Excellency General Washington Mount Vernon [Letters to Washington, vol. LXXI, p. 220.]

Gunston-Hall Octo^r. 7th 1787.

* * * * *

I take the Liberty to enclose you my Objections to the new Constitution of Government; which a little Moderation & Temper, in the latter End of the Convention, might have removed. I am however most decidedly of Opinion, that it ought to be submitted to a Convention [“of” stricken out] chosen by the People, for that special Purpose; and shon’d any Attempt be made to prevent the calling such a Convention here, such a Measure shall have every Opposition in my Power to give it You will readily observe, that my Objections [“are” stricken out] are not numerous (the greater Part of the inclosed paper containing Reasonings upon the probable Effects of the exceptionable Parts) tho’ in my mind, some of them are capital ones.

[ENCLOSURE.]

[Letters to Washington, vol. LXXI, p. 340.]

Objections to the Constitution of Government formed by the Convention.

There is no Declaration of Rights; and the Laws of the general Government being paramount to the Laws & Constitutions of the several States, the Declarations of Rights in the separate States are no Security. Nor are the People secured even in the Enjoyment of the Benefits of the common-Law; which stands here upon no other Foundation than it's having been adopted by the respective Acts forming the Constitutions of the several States.

In the House of Representatives there is not the Substance, but the Shadow only of Representation; which can never produce proper Information in the Legislature, or inspire Confidence in the People: the Laws will therefore be generally made by Men little concern'd in, and unacquainted with their Effects & Consequences. (1.)

The Senate have the Power of altering all Money-Bills, and of originating Appropriations of Money, & the Sallerys of the Officers of their own Appointment in Conjunction with the President of the United States; altho' they are not the Representatives of the People, or amenable to them.

These with their great Powers (viz^t their Power in the Appointment of Ambassadors & all public Officers, in making Treaties, & in trying all Impeachments) their Influence upon & Connection with the supreme Executive from these Causes, their Duration of Office, and their being a constant existing Body almost continually sitting, join'd with their

(1.) This Objection has been in some Degree lessened by an Amendment, often before refused, and at last made by an Erasure, after the Engrossment upon Parchment, of the word forty, and inserting thirty, in the 3^d Clause of the 2^d Section of the 1st Article.

being one compleat Branch of the Legislature, will destroy any Balance in the Government, and enable them to accomplish what Usurpations they please upon the Rights & Libertys of the People.

The Judiciary of the United States is so constructed & extended, as to absorb & destroy the Judiciarys of the several States; thereby rendering Law as tedious intricate & expensive, and Justice as unattainable, by a great Part of the Community, as in England, and enabling the Rich to oppress & ruin the Poor.

The President of the United States has no constitutional Council (a thing unknown in any safe & regular Government) he will therefore be unsupported by proper Information & Advice; and will generally be directed by Minions & Favourites—or He will become a Tool to the Senate—or a Council of State will grow out of the principal Officers of the great Departments; the worst & most dangerous of all Ingredients for such a Council, in a free Country; for they may be induced to join in any dangerous or oppressive Measures, to shelter themselves, and prevent an Inquiry into their own misconduct in Office; whereas had a constitutional Council been formed (as was proposed) of six Members; viz^t two from the Eastern, two from the Middle, and two from the Southern States, to be appointed by Vote of the States in the House of Representatives, with the same Duration & Rotation of Office as the Senate, the Executive wou'd always have had safe & proper Information & Advice, the President of such a Council might have acted as Vice President of the United States, pro tempore, upon any Vacancy or Disability of the chief Magistrate; and long continued Ses-

sions of the Senate wou'd in a great Measure have been prevented.

From this fatal Defect of a constitutional Council has arisen the improper Power of the Senate, in the Appointment of public Officers, and the alarming Dependence & Connection between that Branch of the Legislature, and the supreme Executive. Hence also sprung that unnecessary & dangerous Officer the Vice President; who for want of other employment, is made President of the Senate; thereby dangerously blending the executive & legislative Powers; besides always giving to some one of the States an unnecessary & unjust Pre-eminence over the others.

The President of the United States has the unrestrained Power of granting Pardons for Treason; which may be sometimes excercised to screen from Punishment those whom he had secretly instigated to commit the Crime, & thereby prevent a Discovery of his own Guilt.

By declaring all Treaties supreme Laws of the Land, the Executive & the Senate have, in many Cases, an exclusive Power of Legislation; which might have been avoided, by proper Distinctions with Respect to Treaties, and requiring the Assent of the House of Representatives, where it cou'd be done with Safety.

By requiring only a Majority to make all Commercial & Navigation Laws, the five Southern States (whose Produce & Circumstances are totally different from that of the eight Northern & Eastern States) will be ruined; for such rigid & premature Regulations may be made, as will enable the Merchants of the Northern & Eastern States not only to demand an exorbitant Freight, but to monopolize the Purchase of the Commodities at their own Price, for many Years:

to the great Injury of the landed Interest, & Impoverishment of the People: and the Danger is the greater, as the Gain on one Side will be in Proportion to the Loss on the other. Whereas requiring two thirds of the Members present in both Houses wou'd have produced mutual Moderation, promoted the general Interest, and removed an insuperable Objection to the Adoption of the Government.

Under their own Construction of the general Clause at the End of the enumerated Powers, the Congress may grant Monopolies in Trade & Commerce, constitute new Crimes, inflict unusual & severe Punishments, and extend their Power as far as they shall think proper; so that the State Legislatures have no Security for the Powers now presumed to remain to them; or the People for their Rights.

There is no Declaration of any kind for preserving the Liberty of the Press, the Tryal by Jury in civil Causes; nor against the Danger of standing Armys in time of Peace.

The State Legislatures are restrained from laying Export-Duties on their own Produce.

The general Legislature is restrained from prohibiting the further Importation of Slaves for twenty odd Years; tho' such Importations render the United States weaker, more vulnerable, and less capable of Defence.

Both the general Legislature & the State Legislatures are expressly prohibited making ex post facto Laws; tho' there never was, or can be a Legislature but must & will make such laws, when Necessity & the public Safety require them; which will hereafter be a Breach of all the Constitutions in the Union, and afford Precedents for other Innovations.

This Government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will, in it's Operation, produce a Monarchy, or a corrupt oppressive Aristocracy; it will most probably vibrate some years between the two, and then terminate in ^{the} _^ one or the other.

[Washington Papers, Letter-book 6 B, p. 161. Transcript]

G Washington to Col^d David Humphreys.

Monnt Vernon October 10th 1787.

* * * * *

The Constitution that is submitted, is not free from imperfections.—but there are as few radical defects in it as could well be expected, considering the heterogenous mass of which the Convention was composed and the diversity of interests that are to be attended to, As a Constitutional door is opened for future amendments and alterations, I think it would be wise in the People to accept what is offered to them and I wish it may be by as great a majority of them as it was by that of the Convention; but this is hardly to be expected because the importance and sinister views of too many characters, will be affected by the change. Much will depend however upon literary abilities, and the recommendaⁱtion of it by good pens should be openly, I mean publickly ^{afforded} ["attacked" stricken out] in the Gazettes. Go matters however as they may, I shall have the consolation to reflect that no objects but the public good—and that peace and harmony which I wished to see prevail in the Convention, obtruded even for a moment in my bosom during the whole Session [^{long} "lengthy" stricken out] as it was—what reception this State will give to the proceedings in all its extent of territory, is more than I can inform you of; in these parts it

is advocated beyond my expectation—the great opposition (if great there should be) will come from the Southern and Western Counties from whence I have not as yet, received any acc^{ts} that are to be depended on.

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G Washington to The Hon^{ble} James Madison Esq^r

Mount Vernon October 10th 1787.

[Washington Papers. Letter-book 6B, p. 158. Transcript.]

I thank you for your letter of the 30th Ult^o. It came by the last Post. I am better pleased that the proceedings of the Convention [^{are submitted} "is handed" stricken out] from Congress by a unanimous vote (feeble as it is) than if they had appeared under str[^{"a"} "a" stricken out]ng["e" stricken out] marks of approbation without it. This apparent unanimity will have its effect. Not every one has opportunities to peep behind the curtain; and as the multitude are often deceived by externals, the appearance of unanimity in that body on this occasion will be of great importance.

The political tenets of Col^o M— & Col^o R. H. L. are always in unison. It may be asked which of them gives the tone?—without hesitation I answer, the latter; because I believe the latter will receive it from no one.—he has I am informed rendered himself obnoxious in Philadelphia by the pains he took to disseminate his objections amongst some of the leaders of the seceding members of the Legislature of that State. His conduct is not less reprobated in this County. How it will be relished generally is yet to be learnt, by me.

As far as accounts have been received from the Sⁿ & W^t Countys the sentiment with respect to the proceedings of

the Convention is favourable; whether the knowledge of this, or conviction of the impropriety of withholding the Constitution from State Conventions has worked most in the breast of Col^d M— I will not decide, but the fact is, he has declared unequivocally (in a letter to me) for its going to the People. Had his sentiments however been opposed to the measure, his instructions (for the delegates of this Country are so instructed) would have compelled him to vote for it.—yet I have no doubt but that his assent will be accompanied by the most tremendous apprehensions which the highest colouring can give to his objections. To alarm the people seems to be the ground work of his plan. The want of a qualified Navigation act is already declared to be a mean by which the price of produce in the Southern States will be reduced to nothing—and will become monopoly of the Eastern and northern States. To enumerate the whole of his objections is unnecessary, because they are detailed in the address of the seceding members of the Assembly of Pennsylvania (which no doubt you have seen.)

I scarcely think any powerful opposition will be made to the Constitutions being submitted to a Convention of this State.—if it is given it will be there at which I hope you will make it convenient to be present.—explanations will be wanting and none can give them with more accuracy and propriety than yourself.

The sentiments of M^r Henry with respect to the Constitution are not known, in these parts; M^r Jos^{ph} Jones (who it seems was in Alexandria before the Convention broke up) was of opinion that they would not be inimical to the proceedings of it—others think as the advocate of a paper emission he cant be friendly to them.

From circumstances which have been related, it is conjectured that the Governor wishes he had been among the subscribing members, but Time will disclose more than we know at present with respect to the whole of the business, and when I hear more, I will write to you again.

P. S Having received (in a letter) from Col^o Mason, a detail of his objections to the proposed Constitution I enclose you a copy of them.

Richard Henry Lee to [George Washington]

New York Octob^r 11. 1787

[Letters to Wash-
ington, vol LXXI
p. 222]

* * * * *

It is under the strongest impressions of your goodness and candor that I venture to make the observations that follow in this letter, assuring you that I feel it among the first distresses that have happen'd to me in my life, that I find myself compelled by irresistible conviction of mind to doubt about the new System for federal government recommended by the late Convention.

It is Sir, in consequence of long reflection upon the nature of Man and of government, that I am led to fear the danger that will ensue to Civil Liberty from the adoption of the new system in its present form. I am fully sensible of the propriety of change in the present plan of confederation, and altho there may be difficulties, not inconsiderable, in procuring an adoption of such amendments to the Convention System as will give security to the just rights of human nature, and better secure from injury the discordant interests of the different parts of this Union; yet I hope that these difficulties are not insurmountable. Because we are happily uninter-

rupted by external war, or by such internal discords as can prevent peaceable and fair discussion, in another Convention, of those ["difficulties" stricken out] objections that are fundamentally strong against the new Constitution which abounds with useful regulations. As there is so great a part of the business well done already, I think that such alterations as must give very general content, could not long employ another Convention when provided with the sense of the different States upon those alterations.

I am much inclined to believe that the amendments generally thought to be necessary, will be found to be of such a nature, as tho they do not oppose the exercise of a very competent federal power; are yet such as the best Theories on Government, and the best practise upon those theories have found necessary. At the same time that they are such as the opinions of our people have for ages been fixed on. It would be unnecessary for me here to enumerate particulars as I expect the honor of waiting on you at Mount Vernon in my way home early in November. * * *

Philadelphia 11. Oct. 1787.

I have given two or three papers which contain the substance of what has passed here respecting the federal convention. the connecting thread is all I shall send, except a few minutes of the proceedings of the convention.

After four months session the house broke up. the represented states, eleven & a half, having unanimously agreed to the act handed ^{to} you, there were only three dissenting voices; one from New England, a man of sense, but a Grumbletonian. he was of service by objecting to every thing he did

not propose. it was of course more canvassed, & some errors corrected. the other two are from Virginia: but Randolph wishes it well, & it is thought would have signed it, but he wanted to be on a footing with a popular rival—both these men sink in the general opinion. no wonder they were opposed to a Washington & Madison. Dr Franklin has gained much credit within doors for his conduct, & was the person who proposed the general signature. he had prepared his address in writing. the exertion of speaking being too great, they allowed another to read it. the day previous he sent for the Pennsylvania delegates; & it was reported that he did it to acquaint them of his disapprobation of certain points, & the impossibility of agreeing to them. his views were different. he wanted to allay every possible scruple, & make their votes unanimous. some of the sentiments of the address were as follows.

‘We have been long together. every possible objection has been combated. with so many different & contending interests it is impossible that any one can obtain every object of their wishes. we have met to make mutual sacrifices for the general good, and we have at last come fully to understand each other, & settle the terms. delay is as unnecessary as the adoption is important. I confess it does not fully accord with my sentiments. but I have lived long enough to have often experienced that we ought not to rely too much on our own judgments. I have often found I was mistaken in my most favorite ideas. I have upon the present occasion given up, upon mature reflection, many points which, at the beginning, I thought myself immoveably & decidedly in favor of. this renders me less tenacious of the remainder. there is a possibility of my being mistaken. the

general principle which has presided over our deliberations now guides my sentiments. I repeat, I do materially object to certain points, & have already stated my objections—but I do declare that these objections shall never escape me without doors; as, upon the whole, I esteem the constitution to be the best possible, that could have been formed under present circumstances; & that it ought to go abroad with one united signature, & receive every support & countenance from us. I trust none will refuse to sign it. if they do, they will put me in mind of the French girl who was always quarelling & finding fault with every one around her, & told her sister that she thought it very extraordinary, but that really she had never found a person who was always in the right but herself.'

Our assembly was on the point of breaking up, & it was immediately brought on the carpet. our back-county men, who have had much pains taken with them by those whose places will become less lucrative, opposed it being agitated: not because they objected: (for the thing was good:) but because it came not from Congress. they thought it impossible it could come in time. a vote was carried 43. to 19. they were to meet to fix a time of election. the 19. absconded, so as to prevent there being a house. the resolution of Congress was sent forward by express (by Bingham) & was here 12. hours after signature. they now still refused to attend. a Serjeant at arms & some citizens went for them, & two were obliged to attend. the prints tell the rest. 16. of the 19 addressed, & will render themselves infamous by their wicked & abominable lies. all parties (except the few interested) are for it. it meets with general approbation, & we have no doubt of it's adoption.

Our Assembly election has passed without any opposition. Constitutionalists & Anti-Constitutionalists are lost in Federal and Anti-federal; & we expect no opposition but from those above-mentioned, and the lawless banditti on the frontiers whose depredations would be then put an end to, and they obliged to be under regular government.

The attempt is novel in history; and I can inform you of a more novel one; that I am assured by the gentlemen who served, that scarcely a personality, or offensive expression escaped during the whole session. the whole was conducted with a liberality & candor which does them the highest honor. I may pronounce that it will be adopted. General Washington lives; & as he will be appointed President, jealousy on this head vanishes. the plan once adopted, difficulties will lessen. 9. states can alter easier than 13 agree. with respect to Rhode island, my opinion is that she will join speedily. she has paid almost all her debts by a sponge, & has more to gain by the adoption than any other state. it will enable us to gain friends, & to oppose with force the machinations of our enemies.

[James Monroe] to The honble James Madison New York [Madison Papers, vol. XV, p. 23.]
Richmond Oct^r 13. 1787.

* * * The report from Phil^a hath presented an interesting subject to their consideration. It will perhaps agitate the minds of the people of this State, more than any subject they have had in contemplation since the commenc'm^t of the late revolution—for there will be a greater division among the people of character than then took place, provided we are well inform'd as to the sentiments of many of them. It is

said that M^r Henry, Gen^l Nelson, Harrison & others are against it. This ensures it a powerful opposition more especially when associated with that of the 2. dissenting deputies. There are in my opinion some strong objections agnst the project; w^h I will not weary you with a detail of—but under the predicament in w^h the Union, now stands, & this State in particular with respect to this business, they are overbalanc'd by the arguments in its favor. The Assembly will meet to morrow, & we have reason to believe we shall have an house the first or 2^d day. we shall soon find how its pulse beats, & what direction this business will take. I believe there will be no opposition to a convention, however of this I shall be able to give you better information in a few days.

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[Franklin Papers,
vol. VIII, p. 1823.
Press copy]

B Franklin to Count Castiglione

Philad^a Oct. 14. 1787—

Supposing that a Gentleman who had so much Curiosity respecting the natural Productions of our Country, may have some respecting its political Productions, I send you enclos'd a Copy of the new federal Constitution propos'd by the Convention of all the States lately held in this City. It is a singular Thing in the History of Mankind, that a great People have had the Opportunity of forming a Government for themselves. This Plan is now to be submitted to the Consideration of separate State Conventions, & probably will be adopted by most if not all of them

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B Franklin to Duc de Rochefoucauld.

Philad^a Oct. 14. 1787

[Franklin Papers
vol. VIII. p. 1827
Press copy.]

You have an undoubted Right to the Communication of every Thing that regards the American Constitutions of Government; I therefore send you the the enclos'd Copy of the propos'd new Federal Constitution as form'd and agreed to by the late Convention of the States in this City after four Months close Discussion. The Congress have sent Copies of it to the Legislatures of the several States, to be by them submitted to the Consideration of Conventions in each State for Approbation; and by what we hitherto hear, it seems likely to be generally adopted.

Js. Madison J^r to His Excell^y Gen^l Washington

New York Oct^r 14. 1787.

[Letters to Wash-
ington vol. LXXI, p.
229. Madison Papers,
vol. IV, p. 15. Copy.]

The letter herewith inclosed was put into my hands yesterday by M^r de Crœvecoeur who belongs to the Consular establishment of France in this Country. I add to it a pamphlet which M^r Pinkney has submitted to the public, or rather as he professes, to the perusal of his friends; and a printed sheet containing his ideas on a very delicate subject; too delicate in my opinion to have been properly confided to the press. He conceives that his precautions against any farther circulation of the piece than he himself authorises, are so effectual as to justify the step. I wish he may not be disappointed. In communicating a copy to you I fulfil his wishes only.

No decisive indications of the public mind in the Northⁿ & Middle States can yet be collected. The Reports continue to be rather favorable to the Act of the Convention from every

quarter; but its adversaries will naturally be latest in shewing themselves. Boston is certainly friendly. An opposition is known to be in petto in Connecticut; but it is said not to be much dreaded by the other side. Rhode Island will be divided on this subject in the same manner as it has been on the question of paper money. The Newspapers here have contained sundry publications animadverting on the proposed Constitution, & it is known that the Government party are hostile to it. There are on the other side so many able & weighty advocates, and the conduct of the Eastern States ["will" stricken out] if favorable, will add so much force to their arguments, that there is at least as much ground for hope as for apprehension. I do not learn that any opposition is likely to be made in N. Jersey. The temper of Pennsylvania will be best known to you from the direct information which you cannot fail to receive through the Newspapers & other channels.

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[Hamilton Papers, vol. V, p. 79. Hamilton Papers, vol. V, p. 82. Draft.]

Alexander Hamilton to General Washington

You probably saw some time since some animadversions on certain expressions of Governor Clinton respecting the Convention—You may have seen a piece signed a Republican, attempting to bring the fact into question and endeavouring to controvert the conclusions drawn from it, if true—My answer you will find in the inclosed. I trouble you with it merely from that anxiety which is natural to every man to have his veracity at least stand in a fair light—The matter seems to be given up by the Governor and the fact with the inferences from it stand against him in full force, and operate as they ought to do.

* * * * *

The New Constitution is as popular in this City as it is possible for any thing to be—and the prospect thus far is favourable to it throughout the state. But there is no saying what turn things may take when the full flood of official influence is let loose against it. This is to be expected, for, though the Governor has not publicly declared himself, his particular connections and confidential friends are loud against it.

[INDORSEMENT.]

From Alex^r Hamilton Esq rec^d 15th Oct. 1787

G Washington to The Hon^{ble} M. Gen^l Knox.

Mount Vernon October 15th 1787

[Washington Papers, Letter-book 6 B, p. 164. Transcript.]

* * * * *

The Constitution is now before the Judgment Seat. It has, as was expected, its adversaries and supporters. Which will preponderate is yet to be decided—the former, more than probably, will be most active, as the Major part of them will, it is to be feared, be governed by sinister and self important motives, to which every thing in their breasts must yield. The opposition from another class of them may perhaps, (if they should be men of reflection candour and information) subside in the solution of the following simple questions.

1. Is the Constitution which is submitted by the Convention preferable to the government (if it can be called one) under which we now live?—2. Is it probable that more confidence would at the time be placed in another Convention, provided the experiment should be tried, than was placed in the last one, and is it likely that a better agreement would take place therein? 3. what would be the consequences if these should not happen, or even from the delay which must inevitably

follow such an experiment?—Is there not a Constitutional door open for alterations or amendments? & is it not as likely that real defects will be as readily discovered after as before trial; and will not our successors be as ready to apply the remedy as ourselves if occasion should require it? To think otherwise will, in my Judgment, be ascribing more of the amor patriæ, more wisdom, & more virtue, to ourselves than I think we deserve

It is highly probable that the refusal of our Gov^r and Col^l Mason to subscribe to the proceedings of the Convention will have a bad effect in this State; for, as you well observe, they must not only assign reasons for the Justification of their own conduct, but it is highly probable that these reasons will be cloathed in most terrific array for the purpose of alarming—some things are already addressed to the fears of the people and will no doubt have their effect. As far however as the sense of this part of the Country has been taken it is strongly in favor of the proposed Constitution; further I cannot speak with precision—If a powerful opposition is given to it, the weight thereof will I apprehend come from the South side of James River and from the Western Counties.

[The Papers of the Continental Congress, No. 121, p. 282. Transcript. Jefferson Papers, series 4, vol. I, No. 5. Press copy of a copy.]

John Jay to the Honorable John Adams Esq^r

Office for foreign Affairs 16th October 1787

* * * * *

The public Mind is much occupied by the Plan of federal Government recommended by the late Convention—many expect much good from its Institution, and others will oppose its Adoption—the Majority seems at present to be in its Favor.—For my part I think it much better than the one we

have, and therefore that we shall be gainers by the Exchange, especially as there is Reason to hope that Experience and the good Sense of the People, will correct what may prove to be inexpedient in it. A Compact like this, which is the Result of Accommodation and Compromise, cannot be supposed to be perfectly consonant to the Wishes and Opinions of any of the Parties. It corresponds a good deal with your favorite and I think just Principles of Government, whereas the present Confederation seems to have been formed without the least Attention to them.—

* * * * *

G Washington to Doct^r Stuart.

Mount Vernon October 17th 1787

[Washington Papers, Letter-book 6B, p. 100, Transcript]

As the enclosed advertiser contains a speech of M^r Wilson's (as able, candid and honest a member as in Convention) which will place the most of—M^r— objections in their true point of light, I send it to you—the republication will (if you can get it done) be Serviceable at this Juncture. His ipso facto objection does not, I believe require any answer, every mind must recoil at the idea—and with respect to the navigation act. I am mistaken if any men, bodies of men or Countries, will enter into any compact or treaty, if one of the three is to have a negative controul over the other two, but granting that it is an evil it will infallibly work its own cure.—there must be reciprocity or no Union. which of the two is preferable, will not become a question in the mind of any true patriot.

J^s Madison Jr. to General WashingtonN. York Oct^r 18. 1787.

I have been this day honoured with your favor of the 10th instant, under the same cover with which is a copy of Col. Mason's objections to the Work of the Convention. As he persists in the temper which produced his dissent it is no small satisfaction to find him reduced to such distress for a proper gloss on it; for no other consideration surely could have led ^{him} to dwell on an objection which he acknowledged to have been in some degree removed by the Convention themselves—on the paltry right of the Senate to propose alterations in money bills—on the appointment of the vice President—president of the Senate instead of making the President of the Senate the vice president, which seemed to be the alternative—and on the possibility, that the Congress may misconstrue their powers & betray their trust so far as to grant monopolies in trade &c. If I do not forget too some of his other reasons were either not at all or very faintly urged at the time when alone they ought to have been urged; such as the power of the Senate in the case of treaties, & of impeachments; and their duration in office. With respect to the latter point I recollect well that he more than once disclaimed opposition to it. My memory fails me also if he did not acquiesce in if not for, the term allowed for ^{vote} the further importation of slaves; and the prohibition of duties on exports by the States. What he means by the dangerous tendency of the Judiciary I am at some loss to comprehend. It never was intended, nor can it be supposed that in ordinary cases the inferior tribunals will not have final jurisdiction in order to prevent the evils of which he complains. The great mass of suits ["of" stricken out] in

every State lie between Citizen & Citizen, and relate to matters not of federal cognizance. Notwithstanding the stress laid on the necessity of a Council to the President I strongly suspect, tho I ["should" stricken out] was a friend to the thing, that if such an one as Col. Mason proposed, had been established, and ^{the} power of the Senate in appointments to offices transferred to it, that as great a clamour would have been heard from some quarters which in general echo his Objections. What can he mean by saying that the Common law is not secured by the new Constitution, though it has been adopted by the State Constitutions. The Common ^{law} is nothing more than the unwritten law, and is left by all the Constitutions equally liable to legislative alterations. I am not sure that any notice is particularly taken of it in the Constitutions of the States. If there is, nothing more is provided than a general declaration that it shall continue along with other branches of law to be in force till legally changed. The Constitution of Virg^a drawn up by Col. Mason himself, is absolutely silent on the subject. An ordinance passed during the same Session, declared the Common ^{as heretofore} law & all Statutes of prior date to the 4 of James I. to be still the law of the land, merely to obviate pretexts that the separation from G. Britain threw us into a State of nature, and abolished all civil rights and obligations. Since the Revolution every State has made great inroads & with great propriety in many instances on this monarchical code. The "revisal of the laws" by a Committee of w^{ch} Col. Mason was a member, though not an acting one, abounds with such innovations. The abolition of the right of primogeniture, which I am sure Col. Mason does not disapprove, falls under this head. What could the Convention have done? If they had

in general terms declared the Common law to be in force, they would have broken in upon the legal Code of every State in the most material points: they w^d have done more, they would have brought over from G. B. a thousand heterogeneous & antirepublican doctrines, and even the ecclesiastical Hierarchy itself, for that is a part of the Common law. If they had undertaken a discrimination, they must have formed a digest of laws, instead of a Constitution. This objection surely was not brought forward in the Convention, or it w^d have been placed in such a light that a repetition of it out of doors would scarcely have been hazarded. Were it allowed the weight which Col. M. may suppose it deserves, it would remain to be decided whether it be candid to arraign the Convention for omissions which were never suggested to them—or prudent to vindicate the dissent by reasons which either were not previously thought of, or ^{must have} been wilfully concealed—But I am running into a comment as prolix, as it is out of place.

I find by a letter from the Chancellor (M^r Pendleton) that he ["partakes" stricken out] views the act of the Convention in its true light, and gives it his unequivocal approbation. His support will have great effect. The accounts we have here of some other respectable characters vary considerably. Much will depend on M^r Henry, and I ^{am} glad to find by your letter that his favorable decision on the subject may yet be hoped for.—The Newspapers here begin to teem with vehement & virulent calumniations of the proposed Gov^t. As they are chiefly borrowed from the Pennsylvania papers, you see them of course. The reports however from different quarters continue to be rather flattering.

G^o Washington to Alex^r Hamilton Esq^rMount Vernon Oct^r 18th 1787.[Hamilton Papers,
vol. IV, p. 65. Wash-
ington Papers, Let-
ter-book 6 B, p. 167,
Transcript.]

* * * * *

Having scarcely been from hom^{but}[untilated] since my return from Philadelphia, I can give little information with respect to the general reception of the New Constitution in this State.—In Alexandria however, and some of the adjacent Counties, it has been embraced with an enthusiastic warmth of which I had no conception.—I expect notwithstanding, violent opposition will be given to it by some characters of weight & influence, in the State.

* * * * *

J Dawson to [James Madison]

[Madison Papers,
vol. XV, p. 24.]

Richmond, Oct 19. 1787.

Your favour of the 2^d In^t I receivd in due time—before this I presume you have heard that one hundred and five members attended at the state-house on the first day—whether this is to be attributed to the ten pounds, or to a proper sense of duty I leave with you to determine—perhaps to both— On motion of Colo Mathews, seconded by M^r B. Harrison, M^r Prentis was call'd to the chair, without any opposition— On the wednesday the Senate elected M^r Jones their Speaker— a number of papers ha^["s" written upon "ve"] been laid before the house by the Executive—among them are the proceedings of the convention, as forwarded by Congress—

On Thursday next we are to go into a committee of the whole house on this business—altho the constitution offerd has some able opponents, yet there is a decided majority in favour of it—there will be no opposition, I think, to a state

convention, for it appears to be the general opinion that the legislature ought to send [^{the Constitution} "it" stricken out] to the people with out any mark either of censure or approbation— I enclose you a paper in which you will find a piece said, with truth I believe, to be written by Colo Mason—he is not yet arriv'd, but is hourly expected—

* * * * *

The freeholders of Fairfax have, in the most pointed terms directed Colo Mason to vote for a convention, and have as pointedly assur'd him he shall not be in it.

[Letters to Washington, vol. LXXI, p. 230.]

P. Henry to Gen^l Washington

Richmond October 19th 1787

I was honor'd by the Rec^d of your Favor together with a Copy of the proposed fœderal constitution, a few Days ago, for which I beg you to accept my Thanks. They are also due to you from me as a Citizen, on Account of the great Fatigue necessarily attending the arduous Business of the late Convention—

I have to lament that I cannot bring my mind to accord with the proposed Constitution. The Concern I feel on this account, is really greater than I am able to express. Perhaps mature Reflection may furnish me Reasons to change my present Sentiments into a conformity with the Opinions of those personages for whom I have the the highest Reverence.

[Madison Papers, vol. XV, p. 26.]

Tench Coxe to [James Madison]

Philad^a Oct. 21. 1787.

I rec^d your letter acknowleging the rec^d of the three papers in the Gazetteer. At the request of M^r Wilson,

D^r Rush and another friend or two I added a 4th paper calculated to shew the general advantages & obviate some of the Objections to the System. It was desired by these Gentlemen for the purpose of inserting in one of several handbills, which it was proposed to circulate thro our Western Counties. I beg leave to enclose you three of them with the same Views as in the former Case, : and wish that you and Col. H. may make any use of them, which you think will serve the cause. I also send each of you a pamphlet of Pelatiah Websters. Tho calculated principally for this State, it has other merit.

The opposition here has become more open. It is by those leaders of the constitutional interest, who have acted in concert with the ["constitutional" stricken out] Western interest. The people of the party in the city are chiefly federal, tho not so I fear in the Counties. However there is no doubt but that a Majority, and a very respectable one in our Convention will adopt the Constitution in toto. The matter seems likely to be attended with a good deal of warmth in the conversations & publications, perhaps some abuse; but these things will arise on such great occasions. The city Members of Convention as proposed are M^r J Wilson & D^r Rush—a M^r Hilary Baker, a German, a M^r Latimer formerly of the const^l party, & of great influence among their people here & in some of the Counties, and Chief J. M^cKean. The latter tho of the const^l party has always approved of two branches, and on this occasion has been called on by some of the republicans among the federalists, and has in the most explicit terms approved and engaged to support the plan. A good many people however are averse to him, but as he has a western influence, as he will shew them that one of

their Men proposed for the federal convention has been run by the city, and as he will be a proof that the federalists do not go upon party distinctions I think he ought ^{to be} & hope he will be elected. I feel great hopes [illegible word ^{from} stricken out] appearances in Virginia. Col. Mason's conduct appears to be resented, & M^r Randolph's is viewed with pain & regret. He is a very amiable, valuable man—but I fear will suffer from the circumstance. It seems as if his declining to sign has occasioned a powerful interest to seize the opportunity of overthrowing him by giving Countenance to the measures he has declined. The Country in this Case will be served, but at his expense. If his Views were pure, it is to be regretted that he shold ^usuffer—if otherwise we must rejoice that it produces, or tends to produce, public benefits. I remember observing to him that I thought his not signing might ["be" stricken out] lessen the Violence of Opposition, tho I did not think then nor do I now, that he was right in refusing.

* * * * *

[Madison Papers,
vol. XV, p. 25.]

Arch^d Stuart to Y^e honbl^e Jaⁿ Madison Esq^r

Richmond Oct^r 21st 1787.

Contrary to custom we had a house of Delegates on the 15th inst: & proceeded to read the Gov^rs letter with its enclosures— * * *

Next thursday is set apart for adopting y^e necessary measures for calling a Convention on y^e subject of y^e fœderal constitution—From the disposition of some of y^e members I fear it will be difficult to execute that Business without entering into y^e merits of y^e Constitution itself—

Mr Henry has upon all Occasions however foreign his subject attempted to give the Constitution a side blow its friends are equally warm in its support & never fail to pursue him through all his Windings—From what I can learn y^e body of the people approve y^e proposed plan of Government, it has however no contemptible opposition our two dissenting Members in y^e Gen^l Convention P: H:^s, y^e family of Cabells, S^t Geo: Tucker, J Taylor, W Nelson: Gen^l Nelson W Ronald I fear, y^e Judges I am told except P Carrington & Others to tedious & at the same time too insignificant to mention—

* * * * *

Would it be proper that the ensuing Convention should also reform our State constitution Y^e Objection to these innovations is that in y^e mean time y^e minds of men are Agitated & Government unhinged & as we are about to encounter this & every other Objection would not y^e present be y^e most favorable crisis for this important Business—

B Franklin to M^r Grand

Philad^a Oct. 22—87.

[Franklin Papers,
vol. VIII, p. 183b.
Press copy.]

* * * * *

I send you enclos'd the propos'd new Federal Constitution for these States. I was engag'd 4 Months of the last Summer in the Convention that form'd it. It is now sent by Congress to the several States for their Confirmation. If it succeeds, I do not see why you might not in Europe carry the Project of good Henry the 4th into Execution, by forming a Federal Union and One Grand Republick of all its

different States & Kingdoms; by means of a like Convention;
for we had many Interests to reconcile.

* * * * *

Monroe Papers,
vol. VII, p. 577.]

Will^m Grayson to [James Monroe]

N York 22nd Octob. 1787

* * * * *

The new ["Government" stricken out] constitution is
favorably recieved in Connecticut Massachuzets & N. Jer-
sey; in this State it is thought there is a majority against
it & in Pensylvania that the Pro's and Con's are nearly
equal: from Rhode Island & New Hamshire I have no
information:

* * * * *

[Washington Pa-
pers, Letter-book 6 B,
p. 169 Transcript.]

G Washington to The Hon^{ble} James Madison.

Mount Vernon October. 22^d 1787

When I wrote to you last I was possessed of very little
information of the Sentiments of this State on the New Con-
stitution beyond the circle of Alexandria. Since, by the last
Post, I have received a letter from a member of the Assembly
in Richmond containing the following Paragraphs.—

"I believe such an instance has not happened before,
"since the revolution, that there should be a house on the
"first day of the Session, and business immediately taken up.
"This was not only the case on Monday, but there was a full
"house; When M^r Prentis was called up to the Chair as
"speaker, there being no opposition. Thus, the Session has
"commenced peaceably.

"It gives me much pleasure to inform you that the Senti-
 "ments of the members, are infinitely more favourable to
 "the Constitution, than the most zealous advocates for it
 "could have expected. I have not met with one in all my
 "enquiries (and I have made them with great diligence)
 "opposed to it, except M^r Henry, who I have heard is so but
 "could only conjecture it from a conversation with him on
 "the subject. Other members who have also been active in
 "their enquiries, tell me that they have met ^{with} none opposed
 "to it. It is said however however that old M^r Cabell of
 "Amherst disapproves of it. M^r Nicholas has declared him-
 "self a warm friend to it. The transmissory note of Con-
 "gress was before us to day, when M^r Henry declared that
 "it transcended our powers to decide on the Constitution;
 "that it must go before a Convention— as it was insinuated
 "he would aim at preventing this, much pleasure was dis-
 "covered at the declaration.

"Thursday next (the 25th) is fixed upon for taking up the
 "question of calling the Convention; and fixing the time of
 "its meeting; in the meantime 5,000 copies are ordered to be
 "printed, to be dispersed by the members in their respective
 "Counties, for the information of the People. I cannot for-
 "bear mentioning that the chancellor Pendleton espouses the
 "Constitution so warmly as to declare he will give it his
 "aid ^{in a} Convention, if his health will permit. As there are
 "few better Judges of such subjects, this must be deemed a
 "fortunate circumstance."

As the above quotation is the sum of my information,
 I shall add nothing more on the subject of the proposed
 government at this time.

* * * * *

Ed. Carrington to His Excell^y Tho. Jefferson

New York Octo 23. 1787

I have been honoured with your favor of the 4th of August. inclosed you will receive a Copy of the Report of our late federal Convention, which presents, not amendments to the old Confederation, but an entire new Constitution. this Work is short of the ideas I had the honor to communicate to you in June, in no other instance than ["in" stricken out] an absolute negative upon the State laws.

When the report was before Congress, it was not without its direct opponents, but a great majority were for giving it a warm approbation,—it was thought best, however, by its friends, barely to recommend to the several Legislatures, the holding of Conventions for its consideration, rather than send it forth with, even, a single negative to an approbatory Act. the people do not scrutinize terms; the Unanimity of Congress in recommending a measure to their consideration, naturally implies approbation: but any Negative to ["the" stricken out] a direct approbation, would have discovered a dissention, which would have been used to favor divisions in the States. it certainly behoved Congress to give a measure of such importance and respectable birth, a fair chance in the deliberations of the people, and I think the step taken in that body well adapted to this idea.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town-meetings, and other Assemblies of the people, the usual result whereof, are declarations for its adoption. in the Middle States, appearances are generally for it, but not being in habits of assembling for public objects, as in the case to the Eastward, the people have given but few instances

of collective declarations. Some symptoms of opposition have appeared in New York and Pennsylvania; in the former, only in individual publications, which are attended with no circumstances evidencing the popular regard; the Governor holds himself in perfect silence, wishing, it is suspected, for a miscarriage, but is not confident enough to to commit himself in an open opposition: in the latter the opposition has assumed a form somewhat more serious, but under circumstances which leave it doubtful whether it is founded in objections to the project, or the intemperance of its more zealous friends—the Legislature was in session in Philad^a when the Convention adjourned,—42 Members were for immediately calling a Convention, before the measure had received the consideration of Congress, and were about to press a vote for that purpose—19 seceded and broke up the House, and although they, afterwards, added to their protest against the intemperance of the majority, some objections against the report, yet it is to be doubted whether they would have set themselves in opposition to it, had more moderation been used. the next morning the resolution of Congress arrived, upon which the 42, wanting 2 to complete a House for business, sent their Sergeant for so many of the Seceders, who were brought by force, whereupon an Act was passed for calling a Convention in November. the Seceders are from the upper Counties, [“are popular;” stricken out] have carried their discontents home with them, and some of them being men of influence, will occasion [“some”^{an} stricken out] inconvenience, but Gentlemen well acquainted with the country are of opinion, that their opposition will have no extensive effect, as there is, in general, a Coalescence of the two parties which have divided that State ever since the birth

of her own Constitution, in support of the new Government. From the Southern States we are but imperfectly informed—every member from the Carolina's and Georgia, as well in Convention, as Congress, are warm for the new Constitution, and when we consider the ascendancy possessed by men of this description over the people in those States, it may well be concluded, that the reception will be favorable. in Virginia there may be some difficulty—two of her members in Convention, whose characters entitle them to the public confidence, refused to sign the report—these were Col^o Mason and Governor Randolph, nor was that State without its dissentients, of the same description, in Congress—these were M^r R. H. Lee, & M^r Grayson, but upon very opposite principles,—the former because it is too strong, the latter because it is too weak, [“and Col^o H. Lee is by no means an advocate” stricken out]. the Governor has declared that his refusal to sign, shall not be followed by hostility against the measure—that his wish is to get the exceptionable parts altered if practicable, but if not, that he will join in its support from the necessity of the Case.

M^r Madison writes you fully upon the objections from Virginia, and therefore I will not impose on your patience by repeating them; one, however, being merely local, and an old source of jealousy, I will present to your consideration my opinion upon—this is the ability of a bare majority in the federal Government, to regulate Commerce.—it is supposed that a majority of the Union are carriers, and that it will ^{be} [^] for the interest, and in the power, of that majority to form regulations oppressing, by high freights, the agricultural States. it does not appear to me that this objection is well founded—in the first place it is not true that the majority are carriers,

for Jersey and Connecticut who fall into the division, are by means such—and New York & Pennsylvania, who also are within that division, are as much agricultural as Carrying States: but, admitting the first position to be true, I do not see that the supposed consequences would follow—no regulation could be made on other, than general & uniform principles—in that case every created evil would effect its own cure—the Southern States possess more materials for shipping than the Eastern, and if they do not follow the carrying business, it is because they are occupied in more lucrative pursuits—a rise of freight would make that an object, and they would readily turn to it; but the Competition amongst the eastern States themselves, would be sufficient to correct every abuse. A Navigation Act ought doubtless to be passed for giving exclusive benefits to American Ships—this would of course serve the eastern States, and such, in justice ought to be the case, as it may, perhaps, be shewn, that no other advantage can result to them from the Revolution—indeed, it is important to the interests of the southern States, that a Navy be promoted, for the security ^{of} that wealth which is to be derived ^{from} their agriculture.

My determination to join in the adoption results from a compound consideration of the measure itself, the probable issue of another attempt, and the critical state of our affairs—it has in my mind great faults—but the formers of it [^{met}“convened” stricken out] under powers and dispositions, which promised greater accommodation in their deliberations than can be expected to attend any future Convention—the particular interests of States are exposed, and future deputations, would be clogged with instructions and biassed by the presentiments of their constituents—hence, it is fairly to be

concluded, that this is a better scheme than can be looked for from another experiment; on these considerations, I would clearly be for closing with it, and relying ["for" stricken out]^{upon} the correction of its faults, as experience may dictate the necessary alterations—but when I extend my view to that approaching Anarchy which nothing but the timely interposition of a new Government^{can} avert, I am doubly urged in my wishes for the adoption.

["My determination results from a" stricken out] Some Gentlemen apprehend that this project is the foundation of a Monarchy, or at least as oppressive Aristocracy; but my apprehensions are rather from the inroads of the democracy—it is true there is a preposterous combination of powers in the President and Senate, which may be used improperly, but time is to discover whether the tendency of abuse, will be to strengthen or relax—at all events this part of the constitution must be exceptionable:—but when we consider the degree of democracy of which the scheme itself partakes, with the addition of that which will be constantly operating upon it, it clearly appears to my mind, that the prevailing infractions are to be expected from thence. As State acts can go into effect without the direct controul of the general Government, having clearly defined the objects of their legislation, will not secure^{the federal} the ground against their encroachments,—["such" stricken out] a disposition^{to encroach} must, in the nature of the thing exist, and the democratic branch in the federal legislature, will be more likely to cover their approaches, than resist them.

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Ed- Carrington to The Honble Tho: Jefferson Esq^r

New York Octo. 23. 1787

[Jefferson Papers,
series 2, vol. XIII,
No. 91.]

M^r Jarvis a Gentleman of New England who merits your attention and civilities will do me the favor to deliver this letter. permit me to introduce him to your acquaintance.

In a letter of this date I have done myself the honor to acknowledge the receipt of your favor of the 4th of August, and to be pretty full in my remarks upon the report of the Convention and the reception it is likely to meet with amongst the people. this letter ["was to have" stricken out] goes by the Chevalier Jones, who was to have sailed in the Packet, but for particular reasons, resulting in his mind, from the critical state of affairs in Europe, he has thought it best to seek a passage in some other vessel. He will be with you before long—in the mean time I just inclose you a Copy of the proposed plan of Government, and beg leave to refer you to M^r Jarvis for more full information upon that as well as other subjects.

John Jay to the Honorable Tho^s Jefferson Esq^r

Office for foreign Affairs 24th October 1787

[The Papers of the
Continental Congress, No. 121, p. 285.
Transcript.]

* * * * *

What will be the Fate of the new Constitution, as it is called, cannot easily be conjectured—at present the Majority seems to be in Favor of it; but there will probably be a strong Opposition in some of the States, particularly in this and Pennsylvania.—

[Letters to Washington, vol. LXXI, p. 233.]

John Le Mayeur to his Excellency General Washington

Charleston oct^r 24. 1787

I hope your Excellency by this time has recovered the fatigue of your Great work in the Convention which must afford the Greatest satisfaction when his Excellency hears as I have done for five hundred miles where the people seems so well satisfied of the new form of Governement—principly in the Expectation to have at their head the first legislature! * * *

[Letters to Washington, vol. LXXI, p. 235.]

Rob^t Morris to His Exc^y Gen^l Washington Mount Vernon

Philad^a Oct^r 25th 1787

* * * * *

If you read our News Papers you see much altercation about the proposed Constitution the oponents are not Numerous altho they fill the News Papers every day.

[Jefferson Papers, series 2, vol. LXXIV, Nos. 27, 28.]

[John Brown Cutting] to His Excellency John Adams

Esquire or Col. Smith Grosvenor Square

2 North Street Friday Morning.

“To the honourable the Representatives of the freemen of the Commonwealth of Pennsylvania in General Assembly met.

The Petition and declaration of the Inhabitants of Philadelphia and of the districts of Southwark and the Nothern Liberties.

Respectfully Sheweth,

That your petitioners have seen, with great pleasure, the proposed Constitution of the United States, and as they conceive it to be wisely calculated to form a perfect union of the

States, as well as to secure to themselves and posterity, the blessings of peace liberty and safety, they have taken this method of expressing their earnest desires, that the said Constitution may be adopted as speedily as possible by the State of Pennsylvania, in the manner recommended by the resolution of the late honourable Convention"

Philadelphia 22 Sep^r 1787.

* * * * *

The Extracts copied on the foregoing page having afforded sincere satisfaction to M^r Cutting he cannot wait patiently until the Evening without communicating the same, to the patriots and patriotesses at Grosvenor Square who ought ever to have the earliest occasions to rejoice at the prosperity and amor patriæ of the citizens of the United (or Uniting) States of America

Dan^l Carroll to the Honble James Madison Jun^r in Congress [Madison Papers, vol. XV, p. 27.]
New York

Near Geo: Town Oct 28.th 1787

Y^r favor of the 17th Instant came to hand yesterday. Since my return I have been so engag'd, particularly by attending on an aged sick parent, that I have not been in the way of obtaining any intelligence to be depended on, untill last monday when I saw General Washington at a meeting of the Potomack Compy.—The information from him was pleasing; Doc^r Stuart, Representative for Fairfax, writes to him from Richmond, that their was a full House the 1st day; & that he did not find a ["single" stricken out] Member, but what appear'd to be in favor of the New Gov^t, except Patrick Henry, who was reserv'd, but express'd Sentiments

in favor of [^{recommending} "calling" stricken out] a Convention—I shall not add on this Subject, as you will certainly have Information directly from that quarter.

If the information I have received relating to this State can be depended on, every thing I hope will be right—M^r Carroll who waited for me, soon after saw M^r Johnson, & sends me word that he is a warm friend—That Gentleman M^{ess} Lee & Potts were chosen the following week representatives with a view principally of preventing Mischief and forwarding this great object. M^r Chace has I hear published a p^r under the Signature of Caution which indicates an adverse disposⁿ. He has bound himself to propose a Convention; & if chosen of that Body will be bound to ratifye the proposd fœderal Gover^t; the impression in Baltimore being strong & general in favor of it.—

The Gen^leral informd me that M^r Houston had call'd on him in his way to Georgia, & told him that M^r Yates (of the Covention) had declar'd himself a warm friend—Is this so?

* * * * *

[Madison Papers
vol IV, p. 16.]

J^r Madison Jr. to The Hon^{ble} Edmund Pendleton Esq^r

Edmundsbury Caroline County Virginia

New York Oct^r 28. 1787.

I have rec^d and acknowledge with great pleasure your favor of the 8th inst^t. The remarks which you make on the Act of the Convention appear to me to be in general extremely well founded. Your criticism on the clause exempting vessels bound to or from a State from being obliged to enter &c. in another is particularly so. This provision was dictated by the jealousy of some particular

States, and was inserted pretty late in the Session. The object of it was what you conjecture. The expression is certainly not accurate.—Is not a religious test as far as it is necessary, or would operate, involved in the oath itself? If the person swearing believes in the supreme Being who is invoked, and in the Penal consequences of offending him, either in this or a future world or both, he will be under the same restraint from perjury as if he had previously subscribed a test requiring this belief. If the person in question be an unbeliever in these points and would notwithstanding take the oath, a previous ^{test} could have no [“t” erased] effect. He would subscribe it as he would take the oath, without any principle that could be affected by either.

I find by a letter from M^r Dawson that the proposed Constitution is received by the Assembly with a more prompt & general approbation than could well have been expected. The example of Virginia will have great weight, and the more so, as the disagreement of the deputation, will give it more the appearance of being the unbissed expression of the Public mind. It would be truly mortifying if any thing should occur to prevent or retard the concurrence of a State which has generally taken the lead on great occasions. And it would be the more so in this case as it is generally believed that nine of the States at least will embrace the plan, and consequently that the tardy remainder must be reduced to the dilemma of either shifting for themselves, or [“appearing to be swayed by mot” stricken out] coming in without any credit for it. There is great reason to believe that the Eastern States, R. Island excepted, will be among the foremost in adopting the System. No particular information is yet received from N. Hampshire. The presumptive

evidence of its good disposition however is satisfactory. The Legislature of Mass^{ts} is now sitting, and letters from good authority, say that every thing goes well. Connecticut has unanimously called a Convention, and left no room to doubt her favorable disposition. This State has long had the character of being antifederal. Whether she will purge herself of it on this occasion, or not, is yet to be ascertained. Most of the respectable characters are zealous on the right side. The party in power is suspected on good grounds to be on the wrong one. N. Jersey adopts eagerly the Constitution. Penn^a is considerably divided; but the majority are as yet clearly with the Convention. I have no very late information from Maryland. The reports are that the opposition will make no great figure. Not a word has been heard from the States South of Virginia, except ["from" written upon "that"] the lower parts of N. Carol^a where the Constitution was well received. There can be little doubt I think that the three Southern States will go right unless the conduct of Virginia were to mislead them.

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[Letters to Washington, vol. LXXI, p. 246.]

J^r Madison Jr. to [George Washington]

New York Oct^r 28. 1787.

The mail of yesterday brought me your favor of the 22^d instant. The communications from Richmond give me as much pleasure, as they exceed my expectations. As I find by a letter from a Member of the Assembly, however, that Col. Mason had not got down, and it appears that M^r Henry is not at bottom a friend. I am not without fears that their combined influence and management may yet create diffi-

culties. There is one consideration which I think ought to have some weight in the case, over and above the intrinsic inducements to embrace the Constitution, and which I have suggested to some of my correspondents. There is at present a very strong probability that nine States at least will pretty speedily concur in establishing it. What will become of the tardy remainder? They must be either left as outcasts from the Society, to shift for themselves, or be compelled to come in, or must come in of themselves when they will be allowed no["t" erased] credit for it. Can either of these situations be as eligible as a prompt and manly determination to support the Union, and share its common fortunes?

My last stated pretty fully the information which had arrived here from different quarters, concerning the proposed Constitution. I recollect nothing that is now to be added farther than that the Assembly of Massachusetts now sitting certainly gives it a friendly reception. I inclose a Boston paper by which it appears that Governour Hancock has ushered it to them in as propitious a manner as could have been required.

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Chris^t Gadsden to The Hon^{ble} Tho^s Jefferson Esq^r

Charleston 29th Octo^r 1787

[Jefferson Papers,
series 2, vol. XXXV,
No. 1.]

* * * I take the Freedom to congratulate you on the noble Constitution agreed upon by our late Convention, & farther, on its seeming to give general Satisfaction, from whence 'tis hardly doubted it will be adopted; if so, & it is firmly & efficiently carried into Execution, a new & impor-

tant Epocha must arise in our affairs; The Apprehensions Strangers were under for some Time past, discouraging them from dealing with us so largely as many wish'd, will then diminish greatly & in a short Time cease altogether, as our Trade wou'd soon be on a safe, proper & respectable Footing, unsubjected in future to Frauds from Paper Tenders, & other too common unjustifiable Practises from unprincipled D^{rs} very prejudicial to their C^{ts} * * *

* * * * *

I make no doubt the Phylosophie part of Europe will admire the Constitution recommended by our Convention, the Trading part of G^t Bⁿ perhaps, many of them, may be jealous of it consider'd in a commercial View in its probable Consequences to them by encreasing the means of opening the Eyes of America & exposing many rooted prejudices to them particularly. I have little doubt † that part of the Island who so generally & pointedly hung upon our Skirts during the whole War will not be less busy on this Occasion— For my part I bless God to have lived to see this important Point ⁱⁿ so fair a Way to be accomplish'd, & if I live to see it compleatly so, I shall be apt to cry out with old Simeon now may thy Servant depart in Peace for mine Eyes have seen thy Salvation—

* * * * *

† These subtil, dextrons long-train'd, systematical Opponents well know^g the Constitution recommended must be approv'd of in toto, or not at all, wou'd seem to approve of it as highly as any the most zealous for it, only with an All But, which But alter'd wou'd gain they wou'd pretend universal Satisfaction, that it may be defer'd for that mighty reasonable But to another Convention hoping that will never happen & so the Bubble burst of Course

A Hamilton to His Excellency General Washington.

[Hamilton Papers,
vol. V, p. 80.]

October 30. 1787

* * * * *

The constitution proposed has in ^{this} state warm friends and warm enemies. The first impressions every where are in its favour; but the artillery of its opponents makes some impression. The event cannot yet be foreseen. The inclosed is the first number of a series of papers to be written in its defence.

* * * * *

Gouv Morris to His Excellency Gen^l Washington

Monnt Vernon

[Letters to Wash-
ington, vol. LXXI,
p. 244]

Philadelphia 30 October 1787

Shortly after your Departure from this Place, I went to my Farm and returned hither last Sunday Evening. Living out of the busy World, I had Nothing to say worth your Attention, or I would earlier have given you the Trouble you now experience. Altho not very inquisitive about political opinions I have not been quite inattentive. The States Eastward of New York appear to be almost unanimous in Favor of the new Constitution; for I make no Account of the Dissentients in Rhode Isl. Their Preachers are Advocates for the Adoption, and this Circumstance coinciding with the steady Support of the Property and other Abilities of the Country makes the Current set strongly, and I trust, irresistibly that Way. Jersey is so near Unanimity in her favorable Opinion, that we may count with Certainty on something more than Votes should the State of Affairs hereafter require the Application of pointed Arguments. New York, hemmed in

between the warm Friends of the Constitution could not easily (unless supported by powerful States) make any important Struggle, even tho her Citizens were unanimous, which is by no Means the Case. Parties there are nearly balanced. If the Assent or Dissent of the New York Legislature were to decide on the Fate of America there would still be a Chance, tho I beleive the Force of Government would preponderate and effect a Rejection. But the Legislature cannot assign to the People any good Reason for not trusting them with a Decision on their own Affairs, and must therefore agree to a Convention—In the Choice of a Convention it is not improbable that the fœderal Party will prove strongest, for Persons of very distinct and opposite Interests have joined on this Subject. With Respect to this State I am far from being decided in my Opinion that they will consent. True it is that the City and its Neighbourhood are enthusiastic in the Cause; but I dread the cold and sower Temper of the back Counties, and still more the wicked Industry of those who have long habituated themselves to live on the Public, and cannot bear the Idea of being removed from the Power and Profit of State Government, which has been and still is the Means of supporting themselves their Families and Dependants; And (which perhaps is more grateful) of depressing and humbling their political Adversaries. What Opinions prevail more Southward I cannot guess. You are in Condition better than any other Person to judge of a great and important Part of that Country

I have observed that your Name to the new Constitution has been of infinite Service. Indeed I am convinced that if you had not attended the Convention, and the same Paper had been handed out to the World, it would have met with a

colder Reception, with fewer and weaker Advocates, and with more and more strenuous Opponents. As it is, should the Idea prevail that you would not accept of the Presidency it would prove fatal in many Parts. Truth is, that your great and decided Superiority leads Men willingly to put you in a Place which will not add to your personal Dignity, nor raise you higher than you already stand: but they would not willingly put any other Person in the same Situation because they feel the Elevation of others as operating (by Comparison) the Degradation of themselves. And however absurd this Idea, you will agree with me that Men must be treated as Men and not as Machines, much less as Philosophers, & least of all Things as reasonable Creatures; seeing that in Effect they reason not to direct but to excuse their Conduct

Thus much for the public Opinion on these Subjects, which must not be neglected in a Country where Opinion is every Thing. I will add my Conviction that of all Men you are best fitted to fill that Office. Your cool steady Temper is indispensibly necessary to give a firm and manly Tone to the new Government. To constitute a well poised political Machine is the Task of no common Workman; but to set it in Motion requires still greater Qualities. When once a-going, it will proceed a long Time from the original Impulse. Time ["soon" stricken out] gives to primary Institutions the mighty Power of Habit, and Custom, the Law both of Wise Men and Fools, serves as the great Commentator of human ["Institut" stricken out] Establishments, and like other Commentators as frequently ["as frequently" stricken out] obscures as it explains the Text. No Constitution is the same on Paper and in Life. The Exercise of Authority depends on personal Character; and

the Whip and Reins by which an able Charioteer governs unruly Steeds will only hurl the unskilful Presumer with more speedy & headlong Violence to the Earth. The Horses once trained may be managed by a Woman or a Child; not so when they first feel the Bit. And indeed among these thirteen Horses now about to be coupled together there are some of every Race and Character. They will listen to your Voice, and submit to your Control; you therefore must I say must mount the Seat. That the Result may be as pleasing to you as it will be useful to them I wish but do not expect. You will however on this, as on other Occasions, feel that interior Satisfaction & Self Approbation which the World cannot give; and you will have in every possible Event the Applause of those who know you enough to respect you properly.

[Madison Papers,
vol. XV, p. 28]

Ja^s M^cChurg to [James Madison]

Richmond Oct^r 31. 87.

I am to thank you for the favor you did me in inclosing a copy of the new constitution; which has ever since been the principal topic of political conversation in every company. It was at first reciev'd with a prepossession in it's favor almost enthusiastic, in our towns especially. The circumstances, however, which in this state partic^r tended to excite Suspicion & jealousy, have causd this disposition to subside sooner than it might otherwise have done; & every man's mind is turn'd to a subtle investigation of y^e plan. Various indeed are the objections made to it; but those which strike only the most moderate, & most federal, are confin'd chiefly to the Senate. Nor do they object to the

equal representation of y^e States in y^e Senate, so much as to y^e additional weight thrown into that branch of y^e Legislature, by combining it with y^e Presid^t in y^e high executive offices of Government. It is supposed that y^e obligation of a common Interest may connect them in a dangerous Junto; & on this account, they imagine the Senate to be y^e worst court that could have been contriv'd for the Impeachment of y^e President. They conceive too that y^e Senators, in their executive business, may become liable to Impeachment, tho' they cannot see by what court they can be tried. I see, in a pamphlet publish'd at Philad^a in defence of y^e Constitution, a serious Objection made to y^e clause which empowers Congress to regulate the manner, time, & place, of chusing y^e Representatives of y^e people in y^e several States. This has been reechoed here; & it has not been easy to find a sufficient reason for it's Insertion. Some have objected also to the Influence of the Presid^t in the house of Representatives as capable of producing his reelection, even when the majority of y^e constitutional electors are against him. These are Objections made by Men heartily dispos'd towards an energetic federal government, & conceiving y^e defects in its frame must be equally obnoxious to y^e people of all y^e States, they hope to see them amended. For my part, I am so fearful of it's Loss, that I should be willing to trust y^e remedy of it's Defects to y^e reason moderation & experience of y^e future Congress. By the by, what is to become of the State debts, when all y^e Sources of Revenue in y^e States are seiz'd by Congress?

[Madison Papers, vol. XV, p. 48. Nothing appears from which the date can be determined. Probably written in the latter part of October.]

[Reverend] J Madison to [James Madison]

I was greatly indebted to you for your Favour by M^r Blair. I do not know whether I should be justifiable in making any observations upon what I suppose, may be considered, as the Chef d'oeuvre of continental Wisdom. Yet to you I will venture a few. The general Plan for a federal Government, that is, y^e Idea of a Division of ye Power of ye united States into three Branches, is certainly most wise & fortunately conceived. If any Circumstance can induce a ready Compliance amongst y^e Bulk of y^e People of America, with federal Measures, it will be, that they flow from a Form of Gov^t to w^{ch} they are strongly attached, and in w^{ch} they will consider themselves as justly represented. This was a great Point gained, & I think may promise a Durability to the Union, w^{ch} it's warmest Friends scarce hoped for. I doubt not also, but under the new Constitution, national Faith, a great & important Object certainly, will be effectually restored—I doubt not but it will be y^e Means of giving Stability & Vigour to ye State Gov^{ts}, & prevent those frequent Vacillations from one iniquitous or absurd Scheme to another, w^{ch} has destroyed all Confidence amongst Individuals. It will create ye Habit of Obedience to the Laws, & give them that Energy w^{ch} is unquestionably essential to a free Gov^t—These & many other happy Effects, may reasonably be expected from a Gov^t so wisely conceived in it's general Plan, & w^{ch} must possess Vigour & Energy suff^t to execute the Measures adopted under it—With all these Advantages then, [^{ought} "should" stricken out] any one ^{to} raise Objections against it? Should [^{we} "they" stricken out] not, under the Consciousness, that it is impossible to frame a Constitution agreeable to ye Minds of all, rest satisfied

with this, w^{ch} promises so many Advantages? I confess, under these Considerations, I feel myself as a Citizen, strongly inclined to add my Voice of Approbation to that of y^e many who so highly extol y^e Labours of y^e Convention.—But, I must also [^{declare} “confess” stricken out] that it appears to me to possess a Defect, w^{ch} perhaps threatens Ruin to Republicanism itself. Is it not my Friend, received by all, as a political Axiom—that it is essential to every free Gov^t, that ye Legislative & executive Departments should be entirely distinct & independent? Upon what Principle was it, that this fundamental Axiom in Politics has been disregarded—since, it appears almost a Certainty, that where those Powers are united, Gov^t must soon degenerate into a Tyranny. A sole Exeentive, who may be for Life, with almost a Negative upon ye Legislature;—ye Senate, a principal Part of ye Legislature, [^{w^{ch}} “who” stricken out] may also be for Life, occasionally a Part of ye Executive—these appear to me to be most unfortunate Features in the new Constⁿ. I may be deceived, but they [“appear” stricken out] present to my Mind so strong a Stamp of Monarchy or Aristocracy, that, I think, many Generations would not pass before one or other w^d spring from the new Constⁿ provided, it were to continue in it's present Form. It is true it may be amended—the only Danger is in permitting that to be received, w^{ch} may never be amended—It is not ye Quantum of Power, proposed to be given to ye new Congress, of w^{ch} I complain. I am persuaded, if it be wisely exercised, it must be most happy for ye States both individually & collectively, to have a Power equally restrictive & energetic lodged in ye supreme Council—I only complain & lament that that Power was not distrib-

uted in such a Manner as might preserve, instead of, threaten Destruction to ye Liberties of Am^a

Yet, after all, so greatly do I respect ye Framers of that Constitution, so beneficial must it's Effects be in many important Instancees,—that, I sh^d rejoice to see it adopted,—provided, it's Continuance was limited to a certain fixed Period—revivable or not, as ye States might determine. We sh^d then feel it's good Effects, without running ye Risque of ye Dangers it seems to threaten.—But I fear I shall only tire you with my Observations—

[Madison Papers,
vol. XV, p. 29.]

Arch^d Stuart to Honb^l Jas^s Madison Esq^r New York

Richmond Nov^r 2^d 1787

Inclosed are y^e Resolutions of Virginia on the subject of y^e fœderal Government—It is generally considered necessary that you should be of the convention, not only that y^e Constitution may be adopted but with as much unanimity as possible—

for gods sake do not disappoint the Anxious expectations of y^r friends & let me add of y^r Country— The Gov^r on his return here was coolly received, upon which it is said he discov^d much anxiety, since y^e Opposition to y^e Constitution has been heard of from Dift parts of y^e State he speaks with more confidence against what he calls y^e Objectionable parts— He is a candidate for y^e Convention, Wilkinson & Sonthall having cleared y^e coast for him the former of whom is inimical to y^e Gov^t propos'd (tutis auribus Deposui)—

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Jn^o Trumbull to M^r JeffersonLondon Nov^r 2^d 1787.[Jefferson Papers
series 2, vol. LXXIX,
No. 7.]

* * * * *

Before this you must have receiv'd the new proposd constitution for the United States of America:—a work worthy the convention who fram'd it.—I should have sent it you, had I not been assur'd it would go from other hands.—It remains for us to pray for its adoption by the several States: of which, at least so far as nine—I think there is little doubt.

G Washington to Doctor Stuart.

Mount Vernon November 5th 1787.[Washington Papers,
Letter-book 6B,
p. 184. Transcript.]

I thank you for the communications in your letters of the 15th & 26th Ult both of which came safe—It gives me pleasure to hear that the Assembly have sent the Constitution to a Convention by an unanimous vote, unstamped with any mark of disapprobation. If M^r Charles Lee however has been able to form a just opinion of the sentiments of the Country, it is, that the Major voice is opposed to it—particularly in the Southern and Western parts of the States. Is this your opinion from the observations you have made, or from the information you have received? Maryland, tho' the Assembly has not yet met from whence any thing can be drawn, is, we are told, exceedingly well disposed to its adoption, nay, further that M^r Chase has become a convert to it. The acc^{ts} from the States Eastward and Northward speak the same language tho' the papers team with declamation against it by a few.—a Paper in favor of

it written I am informed either by, or under the auspices
of M^r Wilson, in numbers I herewith send you—

* * * * *

[Letters to Wash-
ington, vol. LXXI,
p. 254.]

John Langdon to His Excellency George Washington Esq.
Mount Vernon Virginia

Portsmouth Nov 6 1787

Your Excellency will permit me to congratulate you on
the prospect that appears in this part of the Continent of
speedily establishing the National plan of Government in
the formation of which you took so laborious a part I have
not heard a single person object to the plan & very few find
fault even with a single sentence, but all express their
greatest desire to have it establish'd as soon as may be.

Our General Court unfortunately adjourn'd a few days
before the official plan came to hand but will meet again
next month & no doubt will call the Convention early for
the purpose of accepting the National plan of Government.

[Letters to Wash-
ington, vol. LXXI,
p. 255.]

G Mason to His Excellency General Washington Mount
Vernon

Richmond Novem^r. 6th 1787.

* * * * *

I take the Liberty of enclosing a Copy of the Resolutions
upon the proposed federal Government; by which it will
appear that the Assembly have given time for full Examina-
tion & Discussion of the Subject, and have avoided giving
any Opinion of their own upon the Subject.

* * * * *

[ENCLOSURE.]

In the HOUSE of DELEGATES,

{Print }

Thursday, the 25th of October, 1787.

RESOLVED *unanimously*, that the proceedings of the Fœderal Convention transmitted to the General Assembly through the medium of Congress, be submitted to a Convention of the people for their full and free investigation, discussion, and decision.

Resolved, That every citizen being a freeholder in this commonwealth be eligible to a seat in the convention, and that the people therefore be not restrained in their choice of Delegates by any other of those legal or constitutional restrictions which confine them in their choice of members to the Legislature.

Resolved, That it be recommended to each county to elect two Delegates, and to each city, town, or corporation entitled or which may be entitled by law to representation in the Legislature, to elect one Delegate to the said Convention.

Resolved, That the qualifications of the Electors be the same with those now established by law, for the choice of representatives to the General Assembly.

Resolved, That the elections for Delegates as aforesaid be held at the several places appointed by law for holding the elections for Delegates to the General Assembly, and that the same be conducted by the officers who conduct the elections for Delegates, and conformably to the rules and regulations thereof.

Resolved, That the election for Delegates be held in the month of *March* next, on the first day of the court to be held for each county, city, or corporation respectively, and that

the persons so chosen shall assemble at the state-house in the city of *Richmond* on the first *Monday* in *June* next.

Resolved, That two thousand copies of these resolutions be forthwith printed, and dispersed by the members of the General Assembly among their constituents, and that the Executive transmit a copy of them to Congress, and to the Legislatures and Executives of the respective states.

Teste, JOHN BECKLEY, C. H. D.

1787, October 31st, Agreed to by the Senate,

H. BROOKE, C. S.

[Madison Papers,
vol. XV, p. 30.]

Arch^d Stuart to Y^e Honb^l J Madison j^r Esq^r New York

Richmond Nov^r 9th 1787

Y^{rs} of y^e 30th Oct^r came to hand yesterday & has afforded me infinite satisfaction to hear that y^e probability is that most of y^e Northern States will adopt y^e fœderal Gov^t—I have been for some time uncommonly Anxious on this subject lest the weakness & inefficacy of y^e State Governments should become so notorious & so disgusting to y^e people [“should” ^{as to} stricken out] drive them into concessions of liberty much beyond that point which is actually necessary for Good Government—Should it however fail in the first instance I hope it will prove a Rock of Salvation on which we may rest in our career to that fatal extreme—

Y^e Paper inclosed contained a piece signed Publius with which I am extremely pleased, from his introduction I have the highest expectations from him—If it would not impose too great a task upon you I would request that his subsequent papers may be sent to me, the N^{os} written by an American Citizen have had good effects & with some other

pieces of Merit have been printed in a small pamphlet for the information of the people—

* * * * *

John Adams to M^r Jefferson

[Jefferson Papers,
series 2, vol. I, No. 55.]

London. Nov. 10. 1787

* * * * *

I forwarded a few days ago, from M^r Gerry, a Copy as I suppose of the Result of Convention.—It seems to be admirably calculated to preserve the Union, to increase affection, and to bring us all to the same mode of thinking. They have adopted the Idea of the Congress at Albany in 1754 of a President to nominate officers and a Council to Consent: but thank heaven they have adopted a third Branch, which that Congress did not. I think that Senates and Assemblies should have nothing to do with executive Power. But still I hope the Constitution will be adopted, and Amendments be made at a more convenient opportunity. What think you of a Declaration of Rights? Should not such a Thing have preceeded the Model?

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Ed. Carrington to His Excell^y T. Jefferson.

[Jefferson Papers,
series 2 vol. XIII,
No. 92.]

New York Nov. 10. 1787

M^r Madison ^{and} ["as well as" stricken out] myself have done ourselves the honor to write you very fully as late as the 23^d ult—but as the Chevalier Jones is but now about to sail in a merchantman for Holland, from whence he means to go directly to Paris, I just use this additional opportunity to inclose you the papers from the period of our former letters

to this date. they contain sundry peices upon the subject of the New Constitution, & will serve to shew you the sentiments of its opponents, but you are not to conclude from the number of them that they shew the general sense of the people. we have learned from Virginia that several men of considerable influence are in the opposition, amongst whom Mr Henry is numbered—it appears however, by the papers, that the new project is getting much into fashion in that state—amongst the papers inclosed you will see the issue of several formal assemblies of the people—the legislature have directed that a convention be held in may, for the purpose of, “adopting, amending or rejecting” the proposed Government—the long postponement was occasioned by unfriendly intentions towards it, but I apprehend the rapidity of the movements of the other States in the business, will, by that time, have brought so many into the adoption, that even its enemies will see the necessity of joining.

* * * * *

We have just received notice from Kentucky that, at a Convention held for the purpose, the people of that district have determined upon their separation from Virg^a in conformity to the Act of Fall 1785, and a request is made to Congress for their admission, as a new State into the confederation—you have no doubt seen the Act of Virg^a—the period fixed for the commencement of the separate Government is the beginning of 1789.

G Washington to M^r Bushrod Washington.

Mount Vernon November 10 1787

[Washington Papers, Letter-book 6B, p. 190. Transcript.]

In due course of Post, your letters of the 19th & 26th Ult. came to hand and I thank you for the communications therein—for a continuation in matters of importance, I shall be obliged to you.

That the Assembly would afford the People an opportunity of deciding on the proposed Constitution I had scarcely a doubt, the only question with me was whether it would go forth under favourable auspices or receive the stamp of disapprobation. The opponents I expected, (for it has ever been that the adversaries to a measure are more [^{active} "assiduous" stricken out] than [^{is} "the" stricken out] Friends) ["to it" stricken out] would endeavor to stamp it with unfavourable impressions in order to biass the judgment that is ultimately to decide on it, this is evedently the case with the writers in opposition, whose objections are better calculated to alarm the fears than to convince the judgment of their readers. They build their objections upon principles that do not exist which the Constitution does not support them in—and the existance of which has been by an appeal to the Constitution itself flatly denied—and then, as if they were unanswerable—draw all the dreadful consequences that are necessary to alarm the apprehensions of the ignorant or unthinking. It is not the interest of the Major part of those charactors to be convinced. nor will their local views yield to argaments which do["es" stricken out] not accord with their present, or future prospects. A Candid solution of a single question to which the plainest understanding is competent, does, in my opinion, decide the dispute.—namely is it best for the States to unite—or not to unite? If there are men who prefer

the latter—then unquestionably the Constitution which is offered must, in their estimation, be wrong from the words we the People to the signature inclusively; but those who think differently and yet object to parts of it, would do well to consider that it does not lye with any one State, or the minority of the States Super Struct a Constitution for the whole. The separte interests, as far as it is practicable, must be consolidated—and local views must be attended to, as far as the nature of the case will admit. Hence it is that every State has some objection to the present form and these objections are directed to different points.—that which is most pleasing to one is obnoxious to other, & so vice versa. If then the Union of the whole is a desirable object, the componant parts must yield a little in order to accomplish it. Without the latter, the former is unattainable, for again I repeat it, that not a single State nor the minority of the States can force a Constitution on the Majority—but admitting the power it will surely be granted that it cannot be done without involving [“the” stricken out] scenes of civil commotion[“s” stricken out] of a vary serious nature let the opponants of the proposed Constitution in this State be asked, and It is a question they certainly ought to have asked themselves. what line of conduct would they advise it to adopt, if nine other States, of which I think there is little doubt, should accede to the Constitution? would they recommend that it should stand single? Will they connect it with Rhode Island? or even with two others checkerwise and remain with them as outcasts from the Society, to shift for themselves? or will they return to their dependance on Great Britian? or lastly have the mortification to come in when they will be allowed no credit for doing so? The

warmest friends and the best supporters [“of” stricken out] the Constitution has, do[“es” stricken out] not contend that it is free from imperfections—but they found them unavoidable and are sensible, if evil is likely to arise there from, the remedy must come hereafter; for in the present moment, it is not to be obtained; and, as there is a Constitutional door open for it, I think the People (for it is with them to judge) can as they will have the advantage of experience on their Side, decide with as much propriety on the alterations and amendments which are necessary ourselves. I do not think we are more inspired, have more wisdom—or possess more virtue than those who will come after us.

The power under the Constitution will always be in the People. It is entrusted for certain defined purposes, and for a certain limited period, to representatives of their own choosing; and whenever it is executed contrary to their Interest, or not agreeable to their wishes, their Servants can, and undoubtedly will be, recalled. It is agreed on all hands that no government can be well administered without powers—yet the instant these are delegated, altho’ those who are entrusted with the administration are no more than the creatures of the people, act as it were but for a day, and are amenable for every false step they take, they are, from the moment they receive it, set down as tyrants—their ^{changed} natures, one would conceive from this, immediately—and that they could have no other disposition but to oppress. Of these things in a government Constituted and guarded as ours is, I have no idea—and do firmly believe that whilst many ostensible reasons are assigned to prevent the adoption of it, the real ones are concealed behind the Curtains, because

they are not of a nature to appear in open day. I believe further, supposing them pure, that as great evils result from too great jealousy as from the want of it. We need look I think no further for proof of this, than to the Constitution, of some if not all of these States. No man is a warmer advocate for proper restraints and wholesome checks in every department of government than I am—but I have never yet been able to discover the propriety of placing it absolutely out of the power of men to render essential Services, because a possibility remains of their doing ill.

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[Hamilton Papers, vol. IV, p. 67. Washington Papers, Letter-book 6B, p. 188. Transcript.]

G^o Washington to Alex^r Hamilton Esq^r New York

Mount Vernon Nov^r 10th 1787.

I thank you for the Pamphlet; and for the Gazette contained in your letter of the 30th Ult.—For the remaining numbers of Publius, I shall acknowledge myself obliged, as I am persuaded the subject will be well handled by the Author.

The new Constitution has, as the public prints will have informed you, been handed to the people of this state by an unanimous vote of the Assembly; but it is not to be inferred from hence that its opponants are silenced;—on the contrary, there are many, and some powerful ones—some of whom, it is said, by overshooting the mark, have lessened their weight: be this as it may, their assiduity stands unrivalled, whilst the friends to the Constitution content themselves with barely avowing their approbation of it.—Thus stands the matter with us, at present;—yet, my opinion is, that the major voice is favourable.

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A Donald to [Thomas Jefferson]

Richmond 12th Novem^r 1787[Jefferson Papers,
series 2, vol. XXIV,
No. 60.]

Many thanks to you for your very Friendly, & Polite letter of the 28th July.

You will no doubt have seen before this time the result of the deliberations of the Convention, which was assembled at Philadelphia last Summer, for revising, and amending the Foederal Constitution—I am sorry to say it is like to meet with strong opposition in this State, at this moment I do believe, that a great majority of the People approve of it, but I can easily conceive, that interested men will do every thing in their power, between this & the electing of our State Convention, to poison the minds of the People, & get them persuaded to give their votes for such Gentlemen as they know are decidedly against the adoption of the New Constitution, I will not presume to be competent to give an opinion on such a Complex subject, but I can see that there may be some objections made to it, but still it is my sincere opinion, that the Adoption of it will be the salvation of America, For at present there is hardly the semblance of Law or Government in any of the States, And for want of a Superintending Power over the whole, a dissolution seems to be impending, I staid two days with General Washington at Mount Vernon about Six weeks ago, He is in perfect good health, & looks almost as well as he did Twenty years ago. I never saw him so keen for any thing in my Life, as he is for the adoption of the new Form of Government, As the eyes of all America are turned towards this truly Great & Good man, for the First President, I took the liberty of sounding him upon it, He appears to be greatly against going into Publick Life again, Pleads in excuse for himself, His Love of Retir-

ment, & his advanced Age, but Notwithstanding of these, I am fully of opinion he may be induced to appear once more on the Publick Stage of Life—I form my opinion from what passed between us in a very long & serious conversation, as well as from what I could gather from M^{rs} Washington on same subject.

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[Madison Papers,
vol. XV, p. 31.]

Caleb Wallace to Colo James Madison junior Orange
County.

Fayette County, Novem^r 12, 1787.

* * * * *

I have had an opportunity of conversing only with a few intelligent acquaintances on the merits of the American Constitution recommended by the late Federal Convention who seem to be well pleased therewith; and I wish it may be cordially embraced by every member of the Union.

[Jefferson Papers,
series 1, vol. II, No.
432. Press copy.]

Th: Jefferson to H. E. Mr Adams.

Paris Nov. 13. 1787.

* * * * *

How do you like our new constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. the house of federal representatives will not be adequate to the management of affairs either foreign or federal. their President seems a bad edition of a Polish king. he may^{be} reelected from 4. years to 4. years for life. reason & experience prove to us that a chief magistrate, so continuable, is

an officer for life. when one or two generations shall have proved that this is an office for life, it becomes ^{on every succession} worthy of intrigue, of bribery, of force, & even of foreign interference. it will be of great consequence to France & England to have America governed by a Galloman or Angloman. once in office, & possessing the military force of the union, without either the aid or check of a council, he would not be easily dethroned, even if the people could be induced to withdraw their votes from him. I wish that at the end of the 4. years they had made him for ever ineligible a second time. indeed I think all the good of this new constitution might have been couched in three or four new articles to be added to the good, old, & venerable fabrick, which should have been preserved even as a religious relique.

* * * * *

Th: Jefferson to Col^o Smith.

Paris Nov. 13. 1787.

[Jefferson Papers,
series 1, vol. II, No.
433. Press copy.]

* * * * *

I do not know whether it is to yourself or mr Adams I am to give my thanks for the copy of the new constitution. I beg leave through you to place them where due. it will be yet three weeks before I shall receive them from America. there are very good articles in it: & very bad. I do not know which preponderate[“s” stricken out]. what we have lately read in the history of Holland, in the chapter on the Stadtholder, would have sufficed to set me against a Chief magistrate eligible for a long duration, if I had ever been disposed towards one: & what we have always read of the elections of Polish kings should have forever excluded the idea of [“such” stricken out] one continuable for life.

* * * our Convention has been too much impressed by the insurrection of Massachusetts: and in the spur of the moment they are setting up a kite to keep the hen-yard in order. I hope in god this article will be rectified before the new constitution is accepted.

* * * * *

[Letters to Washington, vol. LXXI, p. 273.]

Samuel Powel to His Excellency General Washington

Philadelphia 13 Nov^r 1787

* * * * *

Our good Friends Mess^{rs} Robert & Gouverneur Morris left this City Yesterday & will probably be with you before the Arrival of this Letter. They will be able to give you a full and ample Detail of all Matters relative to our grand Question, I mean the Acceptation of the fœderal Constitution. For this Reason I shall say no more upon this Subject than just to observe that there appears to be no Cause to doubt of its Reception in Pennsylvania,—All the eastern States, New York, New Jersey and Delaware are esteemed to be decided for it, In Maryland there is a secret Opposition from a Member of the Assembly; but it is believed that his Politics will not succeed. I have not heard a Doubt relative to the States to the Southward of Virginia, & even there I hope & believe there is Virtue & good Sense enough to overbalance the Arts of interested, designing &, I had almost said, dishonest Men.

It is said that R. H. Lee escaped the Resentment of the People at Chester by his short Stay there, which he employed in fixing up & distributing printed Papers against the proposed Constitution. At Wilmington he harangued

the Populace and cautioned them against hastily adopting it, assuring them that a powerful Opposition was forming against it in Philadelphia and, in Confirmation of his Assertions distributed many of his inflammatory Papers.—On such Conduct there can be but one Comment made

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G Washington to M^{rs} Macaulay Graham.

[Washington Papers, Letter-book 6B, p. 199. Transcript.]

Mount Vernon Nov^{ber} 16th 1787

* * * * *

You will undoubtedly, before you receive this, have an opportunity of seeing the Plan of Government proposed by the Convention for the United States. You will very readily conceive, Madam, the difficulties which the Convention had to struggle against. The various and opposite interests which were to be conciliated—the local prejudices wh^{ch} were to be subdued, the diversity of opinions and sentiments which were to be reconciled; and in fine, the sacrifices which were necessary to be made on all sides for the General welfare, combined to make it a work of so intricate and difficult a nature that I think it is much to be wondered at that any thing could have been produced with such unanimity as the Constitution proposed. It is now submitted to the consideration of the People & waits their decision. The legislatures of the States which have been convened since the Constitution was offered have readily agreed to the calling a convention in their respective States—some by an unanimous vote & others by a large majority, but whether it will be adopted by the People or not, remains yet to be determined. * * *

[Letters to Washington, vol. LXXI, p. 286. Madison Papers, vol. IV p. 17. Copy.]

J^s Madison J^r to General Washington

New York Nov^r 18. 1787.

Your favor of the 5th instant found me in Philad^a whither I had proceeded, under arrangements for proceeding to Virginia or returning to this place, as I might there decide. I did not acknowledge it in Philad^a because I had nothing to communicate, which you would not receive more fully and correctly from the M^r Morris's who were setting out for Virginia

All my informations from Richmond concur in representing the enthusiasm in favor of the new Constitution as subsiding, and giving place to a spirit of criticism. I was fearful of such an event from the influence and co-operation of some of the adversaries. I do not learn however that the cause has lost its majority in the Legislature; and still less among the people at large.

I have nothing to add to the information heretofore given concerning the progress of the Constitution in other States. M^r Gerry has presented his objections to the Legislature in a letter addressed to them, and signified his readiness if desired to give the particular reasons on which they were founded. The Legislature it seems decline the explanation, either from a supposition that they have nothing further to do in the business, having handed it over to the Convention; or from an unwillingness to countenance M^r Gerry's conduct; or from both these considerations. It is supposed that the promulgation of this letter will shake the confidence of some, and embolden the opposition of others in that State; but I cannot discover any ground for distrusting the prompt & decided concurrence of a large majority.

I inclose herewith the 7 first numbers of the federalist, a paper addressed to the people of this State. They relate entirely to the importance of the Union. If the whole plan should be executed, it will present to the public a full discussion of the merits of the proposed Constitution in all its relations. From the opinion I have formed of the views of a party in Virginia I am inclined to think that the observations on the first branch of the subject may not be superfluous antidotes in that State, any more than in this. If you concur with me, perhaps the papers may be put into the hand of some of your confidential correspondents at Richmond who would have them reprinted there. I will not conceal from you that I am ^{likely to} have such a degree of connection with the publication here, as to afford a restraint of delicacy from interesting myself directly in the republication elsewhere. You will recognize one of the pens concerned in the task. There are three in the whole. A fourth may possibly bear a part.

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J^r Madison Jr to Gen^l Washington

N. York Nov^r 20. 1787.

[Letters to Washington, vol. LXXI, p. 284. Madison Papers, vol. IV, p. 18. Copy.]

My last inclosed the seven first numbers of the paper of which I gave you some account. I now ^{add} the seven following numbers, which close the first branch of the subject, the importance of the Union. The succeeding papers shall be forwarded from time to time as they come out.

* * * * *

I have heard nothing of consequence lately concerning the progress of the New Constitution. The Pennsylvania Convention has probably by this time come to a decision; but it is not known here.

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[Madison Papers,
vol. XV, p. 33.]

Adam Stephen to [James Madison]

Martinburgh Berkely County Nov^r 25th 1787

* * * * *

The General Convention exceeded my Expectation I hope the plan will be adopted as it is—When the defects appear they can be mended—When America is so happy as to have it established, Congress will have as many Ambassadors, as Augustus Cæsar had, when he first came to the imperial throne—and if we are happy to have men of abilities and patriotism at the head of affairs for one twenty years—Few States in Europe will command equall Respect

[Madison Papers,
vol. XV, p. 34.]

Horatio Gates to [James Madison]

Travellers Rest 26th Novem: 1787.

* * * every thing I hear, every thing I know, convinces me, that unless we have as Speedily as possible a Firm, Efficient, Federal Constitution establishd, all must go to Ruin, and Anarchy and Misrule, blast every Hope that so Glorious a Revolution entitled us to Expect.

[Washington Papers, Letter-book 6B,
p. 209. Transcript.]

G Washington to Doctor Stuart.

Mount Vernon November 30th 1787.

Your favor of the 14th came duly to hand. I am sorry to find by it, that the opposition gains strength; I do not

wonder much at this. The adversaries to a measure are generally, if not always, more violent and active than the advocates, and frequently employ means which the others do not, to accomplish their ends.

I have seen no publication yet, that ought in my judgment to shake the proposed Constitution in the mind of an impartial & candid public. In fine, I have hardly seen one that is not addressed to the passions of the People and obviously calculated to alarm their Fears. Every attempt to amend the Constitution at this time is in my opinion idle and vain. If there are characters who prefer disunion, or separate Confederacies to the general government which is offered to them, their opposition may, for ought I know, proceed["s" stricken out] from principle; but as nothing, according to my conception of the matter, is more to be deprecated than a disunion, or these distinct confederacies, as far as my voice can go, it shall be offered in favor of the latter. That there are some writers (and others perhaps who may not have written) who wish to see this Union divided into several Confederacies is pretty evident; as an antidote to these opinions, and in order to investigate the ground of objections to the Constitution which is submitted, The Federalist, under the signature of Publius, is written. The numbers which have been published I send you. If there is a Printer in Richmond who is really well disposed to support the new Constitution, he would do well to give [^{them} "this" stricken out] a place in his Paper—they are, I think I may venture to say, written by able men; and before they are finished will, or I am mistaken, place matters in a true point of Light. Altho' I am acquainted with the writers who have a hand in this work, I am not at liberty to

mention names, nor would I have it known that they are sent by me to you for promulgation.

* * * * *

If the Covention was such a tumultuous, and disorderly body as a certain Gentleman has represented, in a great measure, to a few dissatisfied characters who would not submit to the decisions of a majority thereof.

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[Madison Papers,
vol. XV, p. 37.]

Arch^d Stuart to Y^e Honbl^e J: Madison Esq^r

Richmond Dec^r 2^d 1787

* * * * *

It is my Opinion from conversing with the Members that we shall comply with y^e Requisitions of Congress so far as to pass an Act on the subject but I believe the funds will be doubtfull, it being y^e General wish to possess ourselves of a large proportion of the Publick securities before an Appreciation takes place under the New Government—

A Resolution was brought forward the day before yesterday for paying the Members to Convention in June their Wages & securing to them Certain priviledges &c seconded by P: H: & Mason which after making Provision for y^e purposes aforesaid goes farther & sais that should y^e Convention think proper to propose Amendments to y^e Constitution this State will make provision for carrying the same into effect & that Money shall be advanced for y^e Support of Deputies to the Neighbouring States &c—This many of us opposed as improper & proposed that the same [“thing should” stricken out] provision should be made in General terms which should not discover the sense of the house on y^e Subject but after a Long Debate the point was carried

against us by a Majority of sixteen—In the course of y^e Debate P: H^l Observed that if this Idea was not held forth our southern neighbours might be driven to despair seeing no door open to safety should they disapprove the new Constitution—Mason on the subject was less candid than ever I knew him to be—from the above mentioned Vote there appears to be a Majority vs y^e Gov. as it now Stands & I fear since they have discovered their Strength they will adopt other Measures tending to its prejudice from this circumstance I am happy to find most of y^e States will have decided on y^e Question before Virginia for I now have my doubts whether She would afford them as usual a good Example—

* * * * *

I do not wish you to forget that y^r friends are all anxious that you should come into y^e Convention—

Col^o T Mathews will write to you his intentions of having you elected for y^e Borough of Norfolk should you think it proper.

W. S. Smith to H. E. T. Jefferson

London Dec^r 3^d 1787—

[Jefferson Papers,
series 2, vol. LXXIV,
No. 29.]

I have been honoured by the receipt of your Letter of the 13th ult^o and notice the alarm of your patriotic spirit, on the subject of the newly proposed project, of a fœdral Constitution, I have read it frequently and with great attention, and tho' I am a great friend to fœdral men & fœdral measures, & am decidedly of opinion, that some alterations were necessary, still on the plan proposed, I look with an anxious mind, and "trembling can't enjoy"—perhaps a three years absence from my Country has

disqualified me, from being competent to decide on the question. I have a great Confidence in the Members of the Convention both as it relates to their Patriotism & abilities, and am willing to believe, that considering the stage of Society, the General Manners of our people, & the deranged state of our foreign & domestic affairs, it was necessary to fix a greater coercive power somewhere, & even to entrust it to the hands of an Individual, giving at the same time deliberative assemblies proper powers to check and even to controul, by the withholding supplies of Cash &c—but tho' I think it essential to the welfare & tranquility of a state, that Government should Correspond with the existing manners of the people, still for myself, I feel a great diffidence in deciding whether in the present case, there may not be an attempt to make too rapid advances on the theatre of Government; for I even hold it a duty due to the Governed, to check as much as possible the advances and pressure, which they are constantly making, and that the address and ingenuity of Government attached to the happiness of the people, should be exercised, to keep them (as long as their manners will in any degree admit of it,) within those pales where pomp, luxury, and dissipation are not countenanced and ^{nourished} nourished—these I believe to be generally [“the Case” stricken out], where Government is committed to the Hands of a few; the human Mind under those Circumstances, is apt to be inflated with pride, disposed to keep ^{up} what they call the dignity of their Station & instead of nourishing a superior degree of benevolence & attention to those who placed them there, they feel themselves on the high Horse of power & expect every knee to bend to their station—I

should grieve for my Country, if in any degree, the engines of power should be permitted to move to the injury of the rights and Liberties of the people, properly defined and well founded— I should have been much better pleased if the President was furnished with a Constitutional Council; as he is not, I am rather apprehensive he will seldom return bills to the two Legislative branches with his objections & reasons, and I agree with you, that in time our Country may experience inconvenience, from too successful Court being paid by a foreign power to that Individual and a Stadtholderian Scene be exhibited in America—but with respect to our experiencing inconvenience in his election, similar to those of Poland with submission, I would observe, the meeting will not be general, nor on the plains of Monmouth, but in 13 different places on the same day & there by ballot & not “viva voce”, so that, it may be perfectly a silent transaction as it relates to the respective states—but when those votes are transmitted to the senate & house of Representatives, if there should not be a decided majority, ^{in favor of some one} disagreement and inconvenience may arise, & they may quarrel & fight for the fœdral Chair—but the point which to my mind is charged with the most hazard and inconvenience for the present day, is the 8th section of the first article particularizing the powers of Congress—God knows where it will end—If it was not for the fifth article I should dread it's establishment—and considering the situation of our Country & Government I shudder at its rejection, for if a great deal of pains is not taken to preserve the temper of the people, in case of giving existance to public objections, tumult & Confusion will ensue—I hope the subject will have a fair & candid investigation, and that the

men of sense and Influence in our Country will take pains to instruct the public mind, & lead them to give their voices for those establishments, which are necessary for the dignity of their Governments, but not inconsistent with their own dignity as a free and enlightened people—It is to this reserve in our leading men, that I lay a very large proportion of the real & imaginary inconveniences we have hitherto experienced. I believe that the people at large only wish to be informed & taught what is right and most likely to promote their happiness & they will pursue it—but when the best informed men in a Country will be totally silent & give the people up to the guidance of their passions, headed by disorderly & vicious characters, & not even attempt to inform them of their errors, what in the name of Heaven can be expected—Nothing Short of Shouting justice out of Countenance, giving a currency to injury and oppression, & treating with derision the most solemn national Compacts—these horrid scenes have been acted since the war in several parts of our Country, I speak decidedly, relative to my native State, and entirely owing to that shamefull, nay criminal silence in those men who ought to put themselves forward, to instruct some & awe others by the wisdom of their observations and the weight & integrity of their Conduct—but they did not chuse to risk their popularity, or wished the people to force them into such establishments as would make the distance greater between them—but I will not dispond I will hope for the best & if necessary dare fight against the establishment of the worst— * * *

G Washington to The Hon^{ble} John Langdon.

[Washington Papers, Letter-book 6B, p. 215. Transcript.]

Mount Veruon December 3^d 1787

I have received your letter of the 6th Ult^o and am much obliged to you for the information contained in it. I am happy to find there dispositions in your part of the Continent are so favourable to the proposed plan of Government: if the true interest of the United States was consulted I think there could be but little opposition to it in any part of the country.

The Publick papers have undoubtedly announced to you, before this, the proceedings of the legislature of this State upon the business—they have appointed the convention to meet on the first monday in June; whether putting it off to so late a period will be favourable or otherwise, must be determined by circumstances, for if those States whose conventions are to meet sooner, should adopt the plan I think there is no doubt but they will be followed by this, and if some of them should reject it, it is very probable that the opposers of it here will exert themselves to add this State to the number.

John Adams to His Excellency M^r Jefferson.

[Jefferson Papers, series 2, vol. I, No. 56.]

London Deer 6. 1787

The Project of a new Constitntion, has Objections against it, to which I find it diffienlt to reconcile my self, but I am so unfortunnte as to differ somewhat from you in the Articles, according to your last kind Letter.

You are afraid of the one—I, of the few. We agree perfectly that the many should have a full fair and perfect Representation.—You are Apprehensive of Monarchy; I, of

Aristocracy.—I would therefore have given more Power to the President and less to the Senate. The Nomination and Appointment to all offices I would have given to the President, assisted only by a Privy Council of his own [~~“appointment”~~ stricken out] Creation, but not a vote or voice would I have given to the Senate or any Senator, unless he were of the Privy Council. Faction and Distraction are the sure and certain Consequence of giving to a Senate a vote in the distribution of offices.

You are apprehensive the President when once chosen, will be chosen again and again as long as he lives. So much the better as it appears to me.—You are apprehensive of foreign Interference, Intrigue, Influence.—So am I.—But, as often as Elections happen, the danger of foreign Influence recurs. the less frequently they happen the less danger,—and if the same Man may be chosen again, it is probable he will be, and the danger of foreign Influence will be less. Foreigners, seeing little Prospect will have less Courage for Enterprise.

Elections, my dear Sir, Elections to Offices which are great objects of ambition, I look at with terror.—Experiments of this kind have been so often tryed, and so universally found productive of Horrors, that there is great Reason to dread them.

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[Madison Papers,
vol. XV, p. 35.]

Ja^s Monroe to The honble James Madison New York

Richmond Dec^r 6th 1787.

I have had hopes of being able to give you something from the proceedings of the Assembly of an interesting

nature which might also be agreeable—but perhaps y^r wishes in this respect may not even yet be gratified. The resolutions respecting y^e Constitution you have long since receiv'd. In those you find no provision for the pay or priviledges of the members of the Convention—these especially the former were thought the subject matter for an act & were seperated from them. a few days since resolutions were brought in by M^r Hopkins & supported by Mess^{rs} Henry & Mason for this purpose & providing funds for [“the” stricken out] defraying y^e expence of deputies to attend other convention or conventions of the States, if this convention sho^d think y^e measure expedient, w^h were adopted by the house by a majority of ab^t 15[^].
the bill is not yet brought in

* * * * *

Henry Lee to [James] Madison

[Madison Papers,
vol. XV, p. 39.]

Stratford Dec^r 7^h 87

Having a few moments only to devote, you must be satisfied with a very laconic let^r—Such is my distance from the line of posts, that to use it, I must avail myself of accidental conveyances, which are often like the present, sudden. It is with real grief I inform you that by a late vote of the assembly of Virg^a on a collateral question, they have manifested hostility to the new constitution—Henry whose art is equal to his talents for declamation, conducted this business & gained a majority on the vote of sixteen.

We are told by gentlemen from Richmond, that the whole district south of James river are in the opposition. In this corner the people are warmly attached to the new system, but we are small in size, being only four or five countys—

I saw Gen^l Washington on my return, he continues firm

as a rock, the Pages are all zealous abettors of the constitution so is R Wormely & F. Lightfoote Lee—Both of these gentlemen are candidates for the convention. The last is an important acquisition & breaks the influence of the Stratford Lees—It becomes you to return in time to secure your election. If possible let me see you—I have offered myself for Westmoreland, but [^{such is} “among” stricken out] the number who contend for this distinction, it is not probable that I may succeed.

[Madison Papers,
vol. IV, p. 19. Copy.]

J^s Madison J^r to Gen^l Washington

New York Decem^r 7. 1787.

My last inclosed a continuation of the Federalist to number 14 inclusive. I now add the numbers which have succeeded.

* * * * *

I understand that the Constitution will certainly be adopted in Connecticut; the returns of the deputies being now known, and a very great majority found to be its declared and firm friends. There will be more opposition in Massachusetts, but its friends there continue to be very sanguine of victory. New Hampshire, as far as I can learn, may be set down on the right list.

Jefferson Papers,
series 2, vol. LXXIX,
No. 8.]

Jn^o Trumbull to M^r Jefferson

London Dec^r 7th 1787.

* * * * *

The Conventions of Massachusetts & Connecticut meet in January to consider the new Constitution.—the approbation it meets in America seems very unanimous.

G Washington to The Hon^{ble} James Madison.

Mount Vernon December 7th 1787

[Washington Papers, Letter-book 6 B, p. 221. Transcript.]

Since my last ^{to} you, I have been favored with your letters of the 28th of October and 18th of November. With the last came 7 numbers of the Fœderalist, under the signature of Publius, for which I thank you. They are forwarded to a Gentleman in Richmond for republication—the doing of which in this State will I am persuaded have a good effect as there are certainly characters in it who are no friends to a general government—perhaps I should not go too far, was I to add who have no great objection to the introduction of anarchy and confusion.

The Sollicitude, to discover what the several State Legislatures would do with the Constitution, is now transfered to the several Conventions, [“there” stricken out] the decisions of which being more interesting and conclusive is, consequently, more anxiously expected than the other. What Pennsylvania and Delaware have done, or will do must soon be known. Other Conventions to the Northward and Eastward of them are treading closely on their heels,—but what the three Southern States have done,—or in what light the new Constitution is viewed by them, I have not been able to learn. North Carolina it has been said (by some acc^t from Richmond) will be governed in a great measure by the conduct of Virginia. The pride of South Carolina will not I conceive suffer this influence to work in her councils and the disturbances in Georgia will or I am mistaken, show the people of it the propriety of being United, and the necessity there is for a general Government. If these with the States Eastward and Northward of us should accede to the Fœderal Government, I think the Citizens of this State will have no

cause to bless the opposers of it here if they should carry their point. A paragraph in the Baltimore Paper has announced a change in the Sentiments of M^r Jay, or this subject; and adds that, from being an admirer of the new form, he has become a bitter enemy to it. This relation (without knowing M^r Jays opinion) I disbelieve, from a Conviction that he would consider the matter well before he would pass any judgment. It is very unlikely therefore that a man of his knowledge and foresight should turn on both sides of a question in so short a space. I am anxious however to know the foundation (if any) for this.

* * * * *

P. S. Since writing the foregoing, I have received a letter from a member (of the Assembly) in Richmond dated the 4th Inst.—giving the following information.

“I am sorry to inform you that the Constitution has lost
 “ground so considerably that it is doubted whether it has
 “any longer a majority in its favor. From a vote which
 “took place the other day, this would appear certain, tho’
 “I cannot think it so decisive as the enemies to it consider
 “it,—It marks however the inconsistency of some of its
 “opponents. At the time the resolutions calling a Con-
 “vention were entered into Colo M— sided with the friends
 “to the Constitution, and opposed any hint being given,
 “expressive of the Sentiments of the House as to amend-
 “ments. But as it was unfortunately omitted at that time
 “to make provision for the subsistence of the Convention,
 “it became necessary to pass some resolution providing for
 “any expence wh^h may attend an attempt to make amed-
 “ments. As M— had on the former occasion declared that
 “it would be improper to make any discovery of the Senti-
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 nd

“ments of the House on the subject, and that we had no
 “right to suggest any thing to a body paramount to us, his
 “advocating such a resolution was matter of astonishment.
 “It is true—he declared it was not declaratory of our
 “opinion; but the contrary must be very obvious. As I
 “have heard many declare themselves friends to the to the
 “Constitution since the vote, I do not consider it as
 “altogether decisive of the opinion of the House with respect
 “to it.

“I am informed both by Gen^l Wilkinson (who is just
 “arrived here from New Orleans by way of N^o Carolina)
 “and M^r Ross, that North Carolina is almost unanimous for
 “adopting it. The latter received a letter from a member of
 “that Assembly now sitting.”

“In a debating Society here, which meets once a week,
 “this subject has been canvassed at two successive meetings,
 “and is to be finally decided on tomorrow evening—as the
 “whole Assembly, almost has attended on these occasions,
 “there opinion will then be pretty well ascertained—and as
 “the opinion on this occasion will have much influence,
 “some of Col^o Innis’s friends have obtained a promise from
 “him to enter the list.

“The bill respecting British debts has passed our house
 “but with such a clause as I think makes it worse than a
 “rejection”

The letter, of which I enclose you a Printed copy, from
 Col^o R H Lee to the Gov^r has been circulated with great
 industry in manuscript, four Weeks before it went to press,
 and said to have had a bad influence. The enemies to the
 Constitution leave no stone unturned to encrease the oppo-
 sition to it.

[James Madison to Thomas Jefferson]

New York. Dec^r 9th 1787.

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The Constitution proposed by the late Convention engrosses almost the whole political attention of America. All the Legislatures, except that of R. Island, which have been assembled, have agreed in submitting it to State Conventions. Virginia has set the example of opening a door for amendments, if the Convention there should chuse to propose them. Maryland has copied it. The States which preceded, referred the Constitution as recommended by the Gen^l Convention, to be ratified or rejected as it stands. The Convention of Pennsylvania, is now sitting. There are about 44 or 45, on the affirmative and about half that number on the opposite side; a consider-^{-able} number of the Constitutional party as it was called, having joined the other party in espousing the federal Constitution. The returns of deputies for the Convention of Connecticut are known, and prove, as is said by those who know the men that a very great majority will adopt it in that State. The event in Massachusetts lies in greater uncertainty. The friends of the New Gov^t continue to be sanguine. N. Hampshire from every account, as well as from some general inducements felt there will pretty certainly be on the affirmative side. So will new Jersey and Delaware. N. York is much divided. She will hardly dissent from N. England, particularly if the conduct of the latter should coincide with that of N. Jersey and Pennsylv^a. A more formidable opposition is likely to be made in Maryland than was at first conjectured. M^r Mercer, it seems, who was a member of the Convention, though his attendance was but for a short time, is become an auxiliary

to Chace. Johnson the Carrolls, Gov^t Lee, and most of the other characters of weight are on the other side. M^r T. Stone died a little before the Govern^t was promulged. The body of the people in Virgin^a particularly in the upper and lower Country, and in the Northern-neck, are as far as I can gather, much disposed to adopt the new Constitution. The middle Country, and the South side of James River are principally in the opposition to it. As yet a large majority of the people are under the first description. As yet also are a majority of the Assembly. What change may be produced by the united influence of exertions of M^r Henry, M^r Mason, & the Governor with some pretty able auxiliaries, is uncertain. My information leads me to suppose there must be three parties in Virginia. The first for adopting without attempting amendments. This includes Gen^l W— and y^e other deputies who signed the the Constitution, M^r Pendleton—(M^r Marshal I believe)—M^r Nicholas — M^r Corbin, M^r Zach^y Johnson, Col. Innis, (M^r B. Randolph as I understand) M^r Harvey M^r Gab^l Jones, Doc^r Jones — &c &c. At the head of the 2^d party which urges amendments are the Gov^t & M^r Mason. These do not object to the substance of the Govern^t but contend for a few additional guards in favor of the Rights of the States and of the people. I am not able to enumerate the characters which fall in with their ideas, as distinguished from those of a [“third” stricken out] third class, at the head of which is M^r Henry. This class concurs at present with the patrons of Amendments, but will probably contend for such as strike at the essence of the System, and must lead to an adherence to the principle of the existing Confederation, which most thinking men are convinced is a visionary one, or to a partition of the Union

into several Confederacies. M^r Harrison the late Gov^t is with M^r Henry. So are a number of others. The General & Admiralty Courts with most of the Bar, oppose the Constitution, but on what particular grounds I am unable to say. Gen^l Nelson, M^r Juⁿ page, Col. Bland, &c. are also opponents, but on what principle and to what extent, I am equally at a loss to say. In general I must note, that I speak with respect to many of these names, from information that may not be accurate, and merely ^{as} I should do in a free and confidential conversation with you. I have not yet heard M^r Wythe's sentiments on the subject. Doc^t M^cClurg the other absent deputy, is a very strenuous defender of the New Government. M^r Henry is the great adversary who will render the event precarious. He is I find with his usual address, working up every possible interest, into a spirit of opposition. It is worthy of remark that whilst in Virg^a and some of the other States in the middle & Southern Districts ^{of the Union}, the men of intelligence, patriotism, property, and independent circumstances, are thus divided; all of this description, with a few exceptions, in the Eastern States, & most of the Middle, States, are zealously attached to the proposed Constitution. In N. England, the men of letters, the ^{principal} Officers of Gov^t the Judges & Lawyers, the Clergy, and men of property, furnish only here and there an adversary. It is not less worthy of remark that in Virginia where the mass of the people have been so much accustomed to be guided by their rulers on all new and intricate questions, they should on the present which certainly surpasses the judgment of the greater part of them, not only go before, but contrary to, their most popular leaders. And the phenomenon is the more wonderful, as a popular ground is taken by

all the adversaries to the new Constitution. Perhaps the solution in both these cases, would not be very difficult; but it would lead to observations too diffusive; and to you unnecessary. I will barely observe that the case in Virg^a seems to prove that the body of sober & steady people, even of the lower order, are tired of the vicissitudes, injustice and follies which have so much characterised public measures, and are impatient for some change which promises stability & repose. * * *

We have no certain information from the three Southern States concerning the temper relative to the New Government. It is in general favorable according to the vague accounts we have. Opposition however will be made in each. M^r Willy Jones, and Governour Caswell have been named as Opponents in N. Carolina.

So few particulars have come to hand concerning ^{the State} of things in Georgia that I have nothing to add on that subject, to the contents of my last, by Commodore Jones.

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Uriah Forrest to [Thomas Jefferson]

London 11th Dec^r 1787.

[Jefferson Papers,
series 2, vol. XXXIII,
No. 13.]

* * * * *

I am afraid the proposed constitution will serve to increase the disorders that it's framers wished to extinguish. It contains many good articles, but I am free to own there appears to me some so very bad, as to throw the weight in that scale. I cannot reconcile myself to the Idea of a Chief Magistrate being eligible a second Time, much less continuable for Life. Were not the Members too strongly impressed with the late Commotion in Massachusetts? We surely have suffer'd the

people of this Country and those who are disaffected in our own, to influence our opinion respecting the true State & situation of our people & Government—the most trifling events have been Magnified into Monstrious outrages. Will the next generation credit us that, in the first twelve Years of the Independence of thirteen free powerful & seperate States, only one Rebellion happen'd, and that that one terminated so speedily and honourably towards Gov't? The peoples judgments were no sooner inform'd than they return'd to Allegiance, and were convinced that their grievances were immaginary, and that they were not oppressed in the manner a few desperate Characters had attempted to teach them.

I am obliged to own myself one of those, who do not wish to see the people more obedient to their Rulers in the next twelve, or any other twelve years, than they have been in the last.. a proper spirit of Resistance is the best security for their liberties, and they shou'd now & then warn their rulers of it. As I am in the legislature and shall be in the convention for the consideration of this proposed Constitution, and it is surely a question of the utmost consequence, I wish to acquire every possible information—. If your Excellency will indulge me with such observations on it as hath occur'd to you, it will indeed oblige me—rest assured that no other use shall be made of them, than the correcting of my judgment and opinion on the subject.

Th Johnson to [George Washington]

Annapolis 11 December 1787.

[Letters to Washington, vol. LXXI, p. 311.]

* * * * *

The Leven of your State is working in ours—the Scale of power which I always suggested would be the most difficult to settle between the great and small States, as such, was in my Opinion very properly adjusted any necessary Guards for personal Liberty is the common Interest of all the Citizens of America and if ^{it} is imagined that a defined power which does not comprehend the Interference with personal Rights needs negative Declarations I presume such may be added by the Fœderal Legislature with equal Efficacy & more propriety than might have been done by the Convention—Strongly and long impressed with an Idea that no Governm^t can make a people happy unless they very generally entertain an Opinion that it is good in Form and well administred I am much disposed to give up a good deal in the Form the least essensial part But those who are clamorous seem to me to be really more afraid of being restrained from doing what they ought not to do and being compelled to do what they ought to do than of being obliged to do what there is no [“M” stricken out] moral Obligation on them to do—I believe there is no American of Observation Reflection and Candour but will acknowledge Men unhappily need[“s” stricken out] more Government than he imagined—I flatter myself that the plan recommended will be adopted in twelve of the thirteen States without Conditions sine qua non but let the Event be as it may I shall think myself with America in general greatly indebted to the Convention and possibly we may confess it

when it may be too late to avail ourselves of their Moderation & Wisdom—You will pardon me my good Sir the Effusions which I cannot restrain when on this Subject

The Papers of the
Continental Congress,
No. 66, vol. II,
p. 178.]

Sam^l Huntington to Hon^{ble} Charles Thomson Esq:—

Norwich Decem^r 11th 1787.

I have been honoured with your Letter of the 28th Ult^o with the Journals of Congress which You have mentioned.

The attention of this State is principally turned to the new proposed Constitution and most of our Delegates elected to attend Congress the current Year are also elected Members of the State Convention which will meet the first Thursday in January to take into consideration the new proposed Constitution: which creates some embarrassment: But on the receipt of your letter I have notified two of the Delegates to attend Congress forthwith & hope they may arrive without delay.

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[Letters to Wash-
ington, vol. LXXI,
p. 304.]

H Knox to His Excellency General Washington

New York 11th December 1787.

I thank you for your kind favor of the 15th October which was duly received.

Notwithstanding the opposition and writings of the enemies of the new constitution it is now pretty apparent that it will be received by considerable majorities in New Hampshire, Massachusetts Connecticut New Jersey, Pennsylvania and Delaware.

The information from Maryland is defective, but Virginia it is said will powerfully oppose it. North Carolina will be

materially influenced by the conduct of Virginia. In South Carolina and Georgia it is presumed that it will be adopted.

Respecting this state it is difficult to determine with any precision. The City, and the enlightened and independent men of the Country are generally for it—The warm friends of the new constitution say that the majority of the people are in its favor while its adversaries assert roundly that the majority is with them. The paper money people both in this State and Rhode Island are against it.

But as a War between France and England seems inevitable, and a general War in Europe probable, the result may be highly beneficial to this Country—1st By preventing the European intrigues against our being a respectable nation, which would most probably be the case were their agents instructed by their courts on the subject. The war will find them other employment. 2^{dly} The War will impress on the fears of the people of the United States the necessity of a general government to defend them against the insults and invasions of the Europeans. Feeble as the powers of the federal government are on this moment, it would be difficult, if not impracticable to prevent our own people from improperly interfer'g in the dispute by taking one side or the other—Reprisals would be made on our commerce, and a war ensue, without a hope of success on our side. This subject being forcibly impressed on the public mind will have its full effect unless we are devoted to destruction.

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[Letters to Washington vol. LXXI, p. 313.]

Samuel Powel to His Excellency General Washington
Mount Vernon Virginia

Philadelphia Dec^r 12. 1787

I had, this Day, the Pleasure of your very obliging Letter, for which I return you my best Thanks.

The important Question is at length decided and Pennsylvania has had Virtue enough to adopt the proposed federal Constitution by a Majority of Forty Six against Twenty Three. On this Event I sincerely felicitate my Country, & trust that her Example will be followed by the other States. So federal are we that an Invitation has been handed to the Convention, signed by the Landholders of Philadelphia County, offering the said County as the Seat of the future Government. This Measure was taken at a very respectable Meeting.

All Ranks of People here rejoice in the Event of this Evenings Deliberations, which was proclaimed thro' the City by repeated Shouts & Huzzas. The Convention will sign the Ratification Tomorrow Morning

New Jersey will, probably adopt the Constitution this Week, & Massachusetts next Month. I think & hope it will be generally accepted.

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[Jefferson Papers, series 2, vol. XL, No 38.]

F: Hopkinson to [Thomas Jefferson]

Philad^a Dec^r 14: 1787

I have only Time to scribble a Line or two—You have no Doubt received from some of your Friends the new System of Government for our Country—This has been the Subject of great Debate in our Convention for three weeks past—&

perhaps the true Principles of Government were never upon any Occasion more fully & ably develop'd; M^r Wilson exerted himself to the astonishment of all Hearers. The Powers of Demosthenes & Cicero seem'd to be united in this able Orator—the principal Speeches have been taken in short hand & will [^{soon} "shortly" stricken out] be published—I shall take Care to secure you a Copy—The Result will appear by the enclosed—Delaware had before adopted the new Constitution by the unanimous vote of Representatives—It is much feared that Virginia will not come in—the Interest of the Lee's, of M^r George Mason, & Gov^r Randolph are against it.—Chace is also opposing it in Maryland—

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J^r Madison J^r to Gen^l Washington

[Madison Papers,
vol. IV, p. 21. Copy.]

New York Dec^r 14. 1787.

Along with this are enclosed a few copies of the latest Gazettes containing the additional papers in favor of the federal Constitution.

I find by letters from Richmond that the proceedings of the Assembly, are as usual, rapidly degenerating with the progress of the session: and particularly that the force opposed to the Act of the Convention has gained the ascendance. There is still nevertheless a hope left that different characters and a different spirit may prevail in their successors who are to make the final decision. In one point of view the present Assembly may perhaps be regarded as pleading most powerfully the cause of the new Government, for it is impossible for stronger proofs to be found than in

their conduct, of the necessity of some such anchor against the fluctuations which threaten to shipwreck our liberty.

[Washington Papers, Letter-book 6B, p. 227. Transcript.]

G Washington to Charles Carter Esq^r

Mount Vernon December 14th 1787

* * * * *

I thank you for your Congratulations on my return from the Convention and with what you add respecting the Constitution. My decided opinion of the matter is that there is no alternative between the adoption of it and anarchy. If one State however important it may conceive itself to be should suppose, or a minority of the States, that they can dictate a Constitution to the Majority unless they have the power of administering to good effect, administering the *Ultima ratio* they will find themselves deceived. All the opposition to it, that I have yet seen, is I must confess addressed more to the passions than to the reason—and clear I am if another Federal Convention is attempted the sentiments of the members will be more discordant or less Conciliator than the last—in fine, that they will agree upon no gen^l plan. General Government is now suspended by a thread I might go farther and say it is really at an end, and what will be the consequence of a fruitless attempt to amend the one which is offered, before it is tried—or of the delay from the attempt, does not in my judgment need the gift of Prophecy to predict. I am not a blind admirer (for I saw the imperfections) of the Constitution to which I have assisted to give birth—but I am fully persuaded it is the best that can be obtained at this day and that it or disunion is before us—if the first is our choice when the defects of it

are experienced a Constitutional door is open for amendments and may be adopted in a peaceable maner without tumult or disorder.

Hardin Burnley to [James Madison]

[Madison Papers
vol. XV, p. 41.]

Richmond Dec^r the 15th 1787

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A Collection of pieces on the federal Constitution is just published by Davis one of which I should have enclosed you but am informed that Col^r Barbour has already done it. Another Collection is now on foot by M^r Dixon this I shall bring to Orange with me & shall be submitted to your perusal. * * *

Th: Jefferson to M^r Carmichael

[Jefferson Papers
series 1, vol. II, No.
437. Press copy.]

Paris Dec. 15. 1787.

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Our new constitution is powerfully attacked in the American newspapers. the objections are that it's effect would be to form the 13. states into one: that proposing to melt all down into one general government they have fenced the people by no declaration of rights, they have not renounced the power of keeping a standing army, they have not secured the liberty of the press, they have reserved a power of abolishing trials by jury in civil cases, they have proposed that the laws of the federal legislature shall be paramount the laws & constitutions of the states, they have abandoned rotation in office: & particularly their president may be re-elected from 4. years to 4 years for life, so as to render

him a king for life, like a king of Poland, & have not given him either the check or aid of a council. to these they add calculations of expence &c. &c. to frighten the people. you will perceive that these objections are serious, and some of them not without foundation. the constitution however has been received with a very general enthusiasm, and as far as can be judged from external demonstrations the bulk of the people are eager to adopt it. in the Eastern states the printers will print nothing against it unless the writer subscribes his name. Massachusetts & Connecticut have called conventions in January to consider of it. in New York there is a division. the Governor ^(Clinton) is known to be hostile to it. Jersey it is thought will certainly accept it. Pennsylvania is divided, & all the bitterness of her factions has been kindled anew on it. but the party in favor of it is strongest both in & out of the legislature. this is the party antiently of Morris, Wilson &c. Delaware will do what Pennsylvania shall do. Maryland is thought favourable to it: yet it is supposed Chase & Paca will oppose it. as to Virginia two of her delegates in the first place refused to sign it. these were Randolph the governor, & George Mason. besides these Henry, Harrison, Nelson, & the Lees are against it. Gen^l Washington will be for it, but it is not in his character to exert himself much in the case. Madison will be it's main pillar: but tho an immensely powerful one, it is questionable whether he can bear the weight of such a host. so that the presumption is that Virginia will reject it. we know nothing of the disposition of the states South of this. should it fall thro', as is possible notwithstanding the enthusiasm with which it was received in the first moment, it is probable that Congress

will propose that the objections which the people shall make to it being once known, another Convention shall be assembled to adopt the improvements generally acceptable, & omit those found disagreeable. in this way union may be produced under a happy constitution, and one which shall not be too energetic, as are the constitutions of Europe.

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B F[ranklin to George Matthews, Governor of Georgia]
Philad^a Dec. 16. 1787

[Franklin Papers,
vol. VIII, p. 1851, and
vol. IX, p. 2163. Draft.]

* * * * *

I rejoice with you that so much Unanimity obtain'd in the general Convention. That of our particular State ["have" stricken out] ratify'd the Constitution a few Days since; and there is a Prospect of its being approv'd by all the States after some time. I hope yours will see ["its" ^{the} stricken out] Advantage [^{of} "in" stricken out] acceding to it, as the best Means of securing the Interest of all the western Settlements.

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John Adams to His Excellency John Jay Secretary of
State &c &c &c

[The Papers of the
Continental Congress,
No. 84, vol. VI,
p. 591. Also No. 104,
vol. VI, p. 380. Trans-
script.]

Grosvenor Square Dec^r 16. 1787

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The Public Mind cannot be occupied about a nobler Object than the proposed Plan of Government. it appears to be admirably calculated to cement all America in affection and Interest as one great Nation. A Result of accommodation

and Compromise, cannot be supposed, perfectly to coincide with any ones Ideas of Perfection. But as all the great Principles necessary to Order, Liberty and Safety are respected in it, and Provision is made for Corrections and Amendments as they may be found necessary, I confess I hope to hear of its Adoption by all the States.

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[Madison Papers,
vol. XV, p. 42.]

Lau^{ce} Taliaferro to [James Madison]

Rose Hill Decem: the 16th 1787

I rec^d your vary Frendly Letter from New York sumtime ago & am much oblige to you for the Information you gave me of my Nephw John Taliaferro at Princetown—I am sorry to inform you that the Federal Sistum is rufly Handeld by sum vary able men in this State tho we have sum vary good & able men that are Friends to that & thear Cuntary & Wish it to be adopted as spedily as Posable I am inform'd that that Exelent & good man Gen^l Washington has offer'd himself for the Spring convention & it is the sincere Wish & desier of myself & a Grate many others that you will ^{also} represent the Peopel of this County in the Spring Convention & we Earnestly Beg that you will be hear sum time before the Elextion for even those that are oppos'd to the Federal Sistum wish to have an opportunity of conversing with you on it. I dare say you will be grately supp^d to hear that it is report'd that you are opos'd to the Sistum & I was told the other day that you ware Actually writing a pece against it. I am a vary pore Penman & dont wish to take up two much of you time in reding a Long Letter or I could give you a grat many more

Instances of the Rancor of the Enemes to Peac & Good Government & will only repet our earnest desier that you will be hear a week or two before the Elextion by which Menes I make no doubt but the Citisens of this state will be prevented from being led into an Error by a few men that seme vary earnest in doing it—

Th: Jefferson to M^r Madison

Paris Dec. 20. 1787.

[Madison Papers,
vol. XV, p. 43. Jef-
ferson Papers, series
1, vol. II, No. 449.
Press copy.]

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The season admitting only of operations in the Cabinet, and these being in a great measure secret, I have little to fill a letter. I will therefore make up the deficiency by adding a few words on the Constitution proposed by our Convention. I like much the general idea of framing a government which should go on of itself peaceably, without needing continual recurrence to the state legislatures. I like the organization of the government into Legislative, Judiciary & Executive. I like the power given the Legislature to levy taxes, and for that reason solely approve of the greater house being chosen by the people directly, for tho' I think a house chosen by them will be very illy qualified to legislate for the Union, for foreign nations &c. yet this evil does not weigh against the good of preserving inviolate the fundamental principle that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great & little states, of the latter to equal, and the former to proportional influence. I am much pleased too with the substitution of the method of voting by persons, instead of that

of voting by states: and I like the negative given to the Executive with a third of either house, though I should have liked ^{it} better had the Judiciary been associated for that purpose, or invested with a similar and separate power. there are other good things of less moment. I will now add what I do not like. first the omission of a bill of rights providing clearly & without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal & unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land & not by the law of Nations. to say, as Mr Wilson does that a bill of rights was not necessary because all is reserved in the case of the general government which is not given, while in the particular ones all ^{is} given which is not reserved, might ["do" written upon "be" "calculated" stricken out] for the Audience to whom it was ^{addressed} ["given" stricken out], but is surely a gratis dictum, opposed by strong inferences from the body of the instrument, as well as from the omission of the clause of our present confederation which had declared that in express terms. it was a hard conclusion to say because there has been no uniformity among the states as to the cases triable by jury, because some have been so incautious as to abandon trial ^{this mode of} ["s by jury" stricken out], therefore the more prudent states shall be reduced to the same level of calamity. it would have been much more just & wise to have concluded the other way that as most of the states had judiciously preserved this palladium, those who had wandered should be brought back to it, and to have established let me add that a bill of rights is what the people are entitled to against every government on earth, general or particular, & what no just government should refuse, or rest on inference. general right instead of general wrong. [^] the second feature

I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. experience concurs with reason in concluding that the first magistrate will always be re-elected if the constitution permits it. he is then an officer for life. this once observed it becomes of so much consequence to certain nations to have a friend or a foe at the head of our affairs that they will interfere with money & with arms. a Galloman or an Angloman will be supported by the nation he befriends. if once elected, and and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they are the central ones lying in a compact body themselves & separating their opponents: and they will be aided by one nation of Europe, while the majority are aided by another. the election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a king of Poland was. reflect on all the instances in history antient & modern, of elective monarchies, and say if they do not give foundation for my fears—the Roman emperors, the popes, while they were of any importance, the German emperors till they became hereditary in practice, the kings of Poland, the Deys of the Ottoman dependancies. it may be said that if elections are to be attended with these disorders, the seldomer they are renewed the better. but experience shews that the only way to prevent disorder is to render them uninteresting by frequent changes. an incapacity to be elected a second time would have been the only effectual preventative. the power of removing him every fourth

by the vote of the people
year is a power which will not be exercised. the king of Poland is removeable every day by the Diet, yet he is never removed.— smaller objections are the Appeal in fact as well as law, and the binding all persons Legislative Executive & Judiciary by oath to maintain that constitution. I do not pretend to decide what would be the best method of procuring the establishment of the manifold good things in this constitution, and of getting rid of the bad. whether by adopting it in hopes of future amendment, or, after it has been duly weighed & canvassed by the people, after seeing the parts they generally dislike, & those they generally approve, to say to them ‘We see now what you wish. send together your deputies again, let them frame a constitution for you omitting what you have condemned, & establishing ^{the powers} [“what” stricken out] you approve. even these will be a great addition to the energy of your government.’— at all events I hope you will not be discouraged from other trials, if the present one should fail of it’s full effect.—I have thus told you freely what I like & dislike: merely as a matter of curiosity, for I know your own judgment has been formed on all these points after having heard every thing which could be urged on them. I own I am not a friend to a very energetic government. it is always oppressive. the late rebellion in Massachusetts has given more alarm than I think it should have done. calculate ^{that} [“on” stricken out] one rebellion in 13 states in the course of 11 years, is but one for each state in a century & a half. no country should be so long without one. nor will any degree of power in the hands of government prevent insurrections. France, with all it’s despotism, and two or three hundred thousand men

always in arms has had three insurrections in the three years I have been here in every one of which great ^{er} numbers were engaged than in Massachusets & a great deal more blood was spilt. in Turkey, which Montesquieu supposes more despotic, insurrections are the events of every day. in England, where the hand of power is lighter than here, but heavier than with us they happen every half dozen years. compare again the ferocious depredations of their insurgents with the order, the moderation & the almost self extinguishment of ours.—after all, it is my principle that the will of the Majority should always prevail. if they approve the proposed Convention in all it's parts, I shall concur in it chearfully, in hopes that they will amend it whenever they shall find it work wrong. I think our governments will remain virtuous for many centuries; as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America. when they get piled upon one another in large cities, as in Europe, they will become corrupt ^{as in Europe}. above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the [“liberties” stricken out] preservation of a due degree of liberty.

P. S. the instability of our laws is really an immense evil. I think it would be well to provide in our constitutions that there shall always be a twelvemonth between the ingrossing a bill & passing it: that it should then be offered to it's passage without changing a word: and that if circumstances should be thought to require a speedier passage, it should take two thirds of both houses instead of a bare majority.

[Letters to Washington, vol. LXXI, p. 325.]

J^s Madison Jr. to Gen^l Washington

New York Dec^r 20. 1787.

I was favoured^{on} [“Saturday” written upon “yesterday”] with your letter of the 7th instant, along with which was covered the printed letter of Col. R. H. Lee to the Governour. It does not appear to me to be a very formidable attack on the new Constitution; unless it should derive an influence from the names of the correspondents, which its intrinsic merits do not entitle it to. He is certainly not perfectly accurate in the statement of all his facts; and I should^{infer} from the tenor of the objections in Virginia that his plan of an Executive would hardly^{be viewed as} an amendment of that of the Convention. It is a little singular that three of the most distinguished Advocates for amendments; and who expect to unite the thirteen States in their project, appear to be pointedly at variance with each other on one of the capital articles of the System. Col. Lee proposes that the President should chuse a Council of Eleven and with their advice have the absolute appointment of all officers. Col. Mason’s proposition is that a Council of six should be appointed by the Congress. What degree of power he would confide to it I do not know. The idea of the Governour is that there should be a plurality of co-equal heads, distinguished probably by other peculiarities in the organization. It is pretty certain that some others who make a common cause with them in the general attempt to bring about alterations differ still more from them, than they do from each other; and that they themselves differ as much on some other great points as on the Constitution of the Executive.

You did not judge amiss of M^r Jay. The paragraph affirming a change in his opinion of the plan of the Con-

vention, was an arrant forgery. He has contradicted^{it} in a letter to M^r J. Vaughan which has been printed in the Philadelphia Gazettes. Tricks of this sort are not uncommon with the Enemies of the new Constitution. Col. Mason's objections were as I am told published in Boston mutilated of that which pointed at the regulation of Commerce. Doc^r Franklin's concluding speech which you will meet with in one of the papers herewith inclosed, is both mutilated & adulterated so as to change both the form & the spirit of it.

I am extremely obliged by the notice you take of my request concerning the Potowmack. I must insist that you will^{not} consider it as an object of any further attention.

The Philad^a papers will have informed you of the result of the Convention of that State. N. Jersey is now in Convention, & has probably by this time adopted the Constitution. Gen^l Irwine of the Pen^a Delegation who is just arrived here, and who conversed with some of the members at Trenton tells me that great unanimity reigns in the Convention.

Connecticut it is pretty certain will decide also in the affirmative by a large majority. So it is presumed will N. Hampshire; though her Convention will be a little later than could be wished. There are not enough of the returns in Mass^{t^s} known for a final judgment of the probable event in that State. As far as the returns are known they are^{extremely} favorable; but as they are chiefly from the maritime parts of the State, they are a precarious index of the public sentiment. I have good reason to believe that if you are in correspondence with any gentlemen in that quarter, and a proper occasion offered for an explicit communication of your good wishes for the plan, so as barely to warrant an

explicit assertion of the fact, that it would be attended with valuable effects. I barely drop the idea. The circumstances on which the propriety of it depends, are best known to, as they will be best judged of, by yourself. The information from N. Carolina gave me great pleasure. We hear nothing from the States South of it.

[Jefferson Papers,
series 1, vol. II, No.
453. Press copy.]

Th: Jefferson to The honble E. Carrington

Paris Dec. 21. 1787.

* * * * *

as to the new Constitntion I find myself nearly a Neutral. there is a great mass of good in it, in a very desireable form: but there is also to me a bitter pill, or two. I have written somewhat lengthily to mr Madison on this snbject and will take the liberty to refer you to that part of my letter to him. I will add one question to what I have said there. Would it not have been better to assign to Congress exclusively the article of imposts for federal purposes, & to have left direct taxation exclusively to the states? I should suppose the former fund sufficient for all probable events, aided by the land office.

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[Madison Papers,
vol. XV, p. 45.]

W Short to M^r Madison New-York

Paris Dec. 21. 1787

* * * Allow me at the same time Sir to express to you my gratitude for the real information contained in your letter. It made us more master of the subjects, to which the convention has given rise, than any thing we had seen

or heard till then. since that, your letter to M^r Jefferson by Commodore Jones has arrived.—On the statement which you gave me Sir, of the advocates & opponents to the new Constitution in Virginia, it seems impossible that it should pass in that State. Should it have the same fate in Rhode-Island, N. York & Maryland, we shall see the ill consequences of a clause which alarmed me from the beginning; I mean the adoption of the new constitution by nine States.—the dissenting States being thus dispersed seem to have the quality only of separating the assenting States without the power of uniting themselves. I think the adoption [^{by}“of” stricken out] nine & the refusal by four of the States is the worst possible situation to which the new plan can give birth; & it seems probable that that will be the situation. Would it not have been better to have fixed on the number eleven or twelve instead of nine? in that case the plan would have been either refused altogether or adopted ^{have}by such a commanding majority as would almost necessarily brought in the others in the end.—There is one thing however which may be opposed to all the arguments that may be adduced in opposition to the new plan; & that is that the members who composed the convention must have had a fuller & better view of the ground & must have considered it more attentively than those who object to it. they must have seen certainly a variety of difficulties which their debates must have presented in full view & which are hidden perhaps from the most penetrating observation under other circumstances. Particularly to us at this distance, I am sure it is impossible to form a proper opinion on the subject.—there is only one reflexion w^{ch} occurs to me in which I have any confidence of being right: & that is that

the Members of the convention would not have not proposed so desperate a remedy if the evil had not appeared to them equally desperate. I am afraid the case will not be mended by the Patient's refusing to take the violent dose prescribed.

You form a very proper idea of the ^{little} weight which the opinions of the learned in Europe on the result of the convention, deserve. I have only seen as yet such of that character as are in Paris, where they are so much occupied with their own affairs, as scarcely to have had time to have read the new plan, much less to have considered it attentively. In Europe however they are almost uniformly for strengthening the hands of Congress or the federal head. In this they are probably right; but they are right on wrong ground—^{there are many who} ["they" stricken out] have no idea of their being a governmental force existing any where but in Congress: you cannot put into their heads their being actually an efficient government in each of the States.—they know only Congress as the Governors & the rest of the United States as the governed.—When therefore they have read the act which forms the Congress, they determine that there is not power enough delegated by the governed & determine that the quantum ought to be increased—they leave out of the account altogether the governing force existing elsewhere—still however their conclusion is right though the terms by which they get to it, are wrong.—the fact is Sir, that they are inconcievably ignorant of whatever relates to the practice of free government, although they have many of them made valuable researches in the theory of it. Such of the English politicians as are here exult much at seeing that the American governments begin to consider themselves

under the necessity of approximating toward the British
constitution

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Warner Lewis to Alex^t Donald esq. Richmond

Warner Hall, December-22'd, 1787.

* * * * *

The more I contemplate the new constitution, as it is called, and the more I consider the situation of my country, the more I am persuaded of the necessity of making immediate trial of it. With this idea, that I may have an opportunity of giving a vote for it, I have offered my services to the county I live in. Whether I shall be elected, or not, is a matter of some doubt.

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G Washington to The Hon: Sir Edw^d Newenham.

Mount Vernon December 25th 1787

* * * * *

The publick attention here is at present wholly employed in considering and animadverting upon the form of Government proposed by the late convention for these States. The inefficacy of our present general system is acknowledged on all hands, and the proposed one has its opponents but they bear so small a proportion to its friends that there is little or no doubt of its taking place,—Three States have already decided in its favor—two unanimously and the other by a majority of two to one;—these are the only States whose conventions have as yet determined upon the subject, but from every information, the others will be found pretty fully in sentiment with them. The establishment of an energetic

[Jefferson Papers
series 2, vol. XXIV
No 62. An enclosure
in Donald to Jefferson,
January 1, 1788.]

[Washington Papers,
Letter-book 6B
p. 249. Transcript.]

general Government will disappoint the hopes and expectations of those who are unfriendly to this Country—give us a national respectability—and enable us to improve those commercial and political advantages which Nature and situation have placed within our reach.

* * * * *

[Letters to Washington vol. LXXI, p. 339. Madison Papers, vol. IV, p. 22. Copy.]

Js. Madison Jr. to Gen^l Washington.

New York Dec^r 26. 1787.

I am just informed by a Delegate from New Hampshire that he has a letter from President Sullivan which tells him that the Legislature had unanimously agreed to call a convention as recommended, to meet in February. The second wednesday is the day if I have not mistaken it. We have no further information of much importance from Massachusetts. It appears that Cambridge the residence of M^r Gerry ha["s" written upon "ve"] left him out of the choice for the Convention, and put in M^r Dana formerly ["a" stricken out] Minister of the U. States in Europe, and another Gentleman, both of them firmly opposed to M^r Gerry's Politics. I observe too in a Mass^{ts} paper that the omission of Col. Mason's objection with regard to commerce in the first publication of his Objections, has been supplied. This will more than undo, the effect of the mutilated view of them. New Jersey the Newspapers tell us has adopted the Constitution unanimously. * * *

Tench Coxe to [James Madison]

[Madison Papers,
vol. XV, p. 46.]Philad^a Decem^r 28th 1787.

I trouble you once more with an Attempt of mine to explain a point connected wth the new federal constitution. Finding from a conversation with M^r Wilson & D^r Rush that an Idea in M^r R. H Lee's letter to your Governor concerning the commercial powers of Congress was doing mischief in Virginia I devoted last Sunday to an investigation of it. I take the liberty of enclosing a couple of copies of it, under the signature of an American. I shall take some pains to have it republished to the Southward, and wish it could be inserted in some of the country News papers of New York and New England, or that it might be put into the hands of some proper person in the Connecticut Convention to be made use of, if occasion should appear. I do not think it can answer any good purpose in their Seaports, tho from the decided approbation of the System along the Coast I do not think any thing is to be feared from its consequences among the Merchants there. It is likely you may have some earlier opty than we for S. Carolina, or Georgia.— I have pursued the advice of the proverb that fair Words go the furthest, for as I meant it principally for the gentlemen of Virg^a and for M^r Lee's friends I think it more likely to have a good effect from treating him with all the Respect they can claim for him. Col. Hamilton will be able to give you an Opinion on its usefulness in the interior parts of the State of New York, and will also be a good Judge of New England.

Our advices from Georgia rec^d on Thursday are very agreeable. From them I should not be surprized at an

Unanimous adoption there. The political Society of Richmond (whose respectability I know not) have approved of it after a formal discussion by a great Majority.

[Jefferson Papers,
series 1, vol II, No.
464. Press copy.]

Th: Jefferson to Col^o Forest.

Paris Dec. 31. 1787.

[See ante, p. 411.]

Just before I received your favour asking my opinion on our new proposed constitution, I had written my sentiments on the subject fully to my friend mr Madison. they concurred so exactly with yours that the communication of them could answer no end but that of shewing my readiness to obey you. I therefore extracted that part from my letter to him, & have reserved it for a good private conveyance which has never offered till now by mr Parker. tho I pretend to make no mystery of my opinion, yet my distance from the scene gives me too much diffidence in my views of it to detail them lengthily & publicly. this diffidence is increased by my high opinion of the abilities & honesty of the framers of the constitution. yet we cannot help thinking for ourselves. I suppose I see much precious improvement in it, but some seeds of danger which might have been kept out of sight of the framers by a consciousness of their own honesty & a presumption that all succeeding rulers would be as honest as themselves. make what use you please of the contents of the paper, but without quoting it's author, who has no pretension to see what is hidden from others.

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Henry Lee to [James Madison]

[Madison Papers
vol. XV, p. 47]

I am so far on my return from a visit to Richmond—On my route I spent a day with Judge Pendleton—He continues amidst the strange change of opinion on the worth of the federal government, unalterable—This firmness does not belong to all the bench, for it was declared as indubitable, that the Chief Justice had abandoned his first sentiments on this subject—I wished to have given you a particular explanation of the politics in this country—but my absence from home has been longer than I intended & the approach of a snow storm renders it prudent to delay as little as possible—Three sets of men are to be found on the question of government: one opposed to any system, was it even sent from heaven which tends to confirm the union of the states—Henry is leader of this band—another who would accept the new constitution from conviction of its own excellence, or any federal system, sooner than risk the dissolution of the confederacy, & a third who dislike the proposed government, wish it amended, but if this is not practicable, would adopt it sooner than jeopardize the union—Mason may be considered as the head of this set—

From such a discordance in opinion, I believe if the friends to the gov^t to the state convention should manage wisely, & if nine states should have ratified it before Virg^a assembles that we may count on the dominion as an accepting state. Your county is divided like many others in their sentiments—Barber & Burnley are warmly opposed, & may perhaps consider it their duty to prevent your election—This you ought to apprehend & ought without respect to delicacy or any other motive stop in its progress.

Then return soon among them & use your endeavors to secure your election—If you think you may fail in Orange several countys in Kentucky would on application by let elect you.

* * * * *

[INDORSEMENT.]

Lee H. Dec^r 1787

[Madison Papers,
vol. XVI, p. 57.]

J Dawson to James Madison Esq^e

* * * * *

From the information we have receivd here, there is very little doubt, but the states south of this will adopt the new constitution—what will be done here is very uncertain—the opponents to it are many, able, and busy—Converts are daily made—enclosed you will receive the resolutions of the assembly, and will, with me agree, I think, that they are exceedingly proper—by opening the door wide, it is probable all the eminent characters among us will be in convention—by fixing the meeting of the convention to so late a day we shall be able to act on the determinations of the other states, and to determine ourselves as circumstances may point out—had the convention met at an early day, and the question have been, will you take this constitution, as offerd? I am persuaded a majority would have said No—I also am of opinion there can be ^{no time} so unfavourable for this state to offer amendments as the present—the other states are adopting the Constitution with avidity, and would pay little attention to any proposd amendment—but if the Government is a bad one it will press hard upon other states, and make them less averse to amend it—

G Washington to The Rev^d Doct^r Gordon.

Mount Vernon January 1st 1788

[Washington Papers, Letter-book 6B, p. 248. Transcript.]

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I would have forwarded to you a copy of the Constitution proposed by the late Convention for the United States, but as you must undoubtedly have seen it before this through the medium of the news papers or some other publication the necessity of my doing it is superceded. I have pleasure, however, to inform you that there is the greatest prospect of its being adopted by the People, it has its opponents, as any system formed by the wisdom of man would undoubtedly have, but they bear but a small proportion of its friends, and differ among themselves with respect to their objections. Pennsylvania, Delawar and Jersey have already decided in its favor, the former by a majority of two to one, and the two latter unanimously.—The dispositions in the other States, so far as I have been able to learn, are equally favourable, at least to Pennsylvania (unless New York and possibly this State may prove exceptions) and it is expected that their conventions will give it a similar decision.

G^o Washington to His Excell^y Tho^s Jefferson.

Mount Vernon

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[Jefferson Papers, series 2, vol. LXXXIV, No. 67. Washington Papers, Letter-book 6B, p. 243. Transcript.]

I did myself the honor to forward to you the plan of Government formed by the Convention, the day after that body rose; but was not a little disappointed, and mortified indeed (as I wished to make the first offering of it to you) to find by a letter from Commod^e Jones, dated in New York the 9th of Nov^r that it was, at that time, in his possession.—You have, undoubtedly rec^d it, or some other 'ere now, and

formed an opinion upon it.—The public attention is, at present, wholly engrossed by this important subject. The Legislatures of those States (Rhode Island excepted) which have met since the Constitution has been formed, have readily assented to its being submitted to a Convention chosen by the People.—Pensylvania, New Jersey, & Delaware are the only States whose Conventions have as yet decided upon it.—In the former it was adopted by 46 to 23 and in the two latter unanimously.—Connecticut and Massachusetts are to hold their Conventions on the 1st & 2^d tuesdays of this Month—Maryland in April, Virginia in June, and upon the whole, it appears, so far as I have had an opportunity of learning the opinions of the people in the several States, that it will be received. There will, undoubtedly, be more or less opposition to its adoption in most of the States; and in none a more formidable one than in this; as many influential characters here have taken a decided part against it, among whom are M^r Henry, Col^o Mason, Gov^r Randolph and Col^o R. H. Lee; but from every information which I have been able to obtain, I think there will be a majority in its favor notwithstanding their dissention.—In New York a considerable opposition will also be given.

* * * * *

Altho' the finances of France and England were such as led you to suppose, at the time you wrote to me, would prevent a rupture between those two powers, yet, if we credit the concurrent acc^{ts} from every quarter, there is little doubt but that they have commenced hostilities before this.—Russia & the Porte have formally began the contest, and from appearances (as given to us) it is not improbable but that a pretty general war will be kindled in Europe. should

this be the case, we shall feel more than ever the want of an efficient general Government to regulate our Commercial concerns, to give us a national respectability, and to connect the political views and interests of the several States under one head in such a manner as will effectually prevent them from forming separate, improper, or indeed any connection, with the European powers which can involve them in their political disputes.—For our situation is such as makes it not only unnecessary, but extremely imprudent for us to take a part in their quarrels; and whenever a contest happens among them, if we wisely & properly improve the advantages which nature has given us, we may be benefitted by their folly—provided we conduct [“we conduct” stricken out] ourselves with circumspection, & under proper Restrictions; for I perfectly agree with you, that an extensive speculation,—a spirit of gambling,—or the introduction of any thing which will divert our attention from Agriculture, must be extremely prejudicial, if not ruinous to us. but I conceive under an energetic general Government such regulations might be made, and such measures taken, as would render this Country the asylum of pacific and industrious characters from all parts of Europe—would encourage the cultivation of the Earth by the high price which its products would command—and would draw the wealth, and wealthy men of other Nations, into our own bosom, by giving security to property, and liberty to its holders.

[Madison Papers,
vol. XV, p. 49.]

[Rufus King] to The Hon^{ble} M^r Madison

Sunday 6. Jan. 88

I send you a copy of the confederation between the New England Colonies, together with a few Extracts from the Journals of the Commissioners—As I hope to leave Town on Tuesday for Boston, I pray you to return me these papers sometime Tomorrow—You are sensible that information from the southern States relative to the proposed Constitution will be of importance to us at Boston while engaged on that subject—this remark will apologize for the request which I take the liberty of making, that you w^d have the Goodness to inform me by Post of any thing interesting on that Subject, which you may obtain during my Absence, on [mutilated]

[Washington Papers, Letter-book 6B,
p. 264. Transcript.]

G Washington to M^r William M^cIntosh

Mount Vernon January 8th 1788

I have received your letter of the 28th of August enclosing your plan of Government suggested for the United States of America. As a Citizen of these States I return you my best thanks for the interest which you take in their happiness and prosperity; and as an individual, you will please to accept of my acknowledgments for your polite attention in sending me your sentiments upon so important a subject.

The want of an efficient General Government in this Country is universally felt and acknowledged. The Convention which met at Philadelphia in may last for the purpose of forming a Constitution for the United States have handed to the People one (of which I now enclose you a copy) for their consideration and acceptance—it is to be submitted to

conventions chosen by the people in the several States and by them approved or rejected. Two States only have as yet decided upon upon it, two of which accepted it unanimously and the other by a majority of 2 to 1. Similar dispositions seem to prevail in the other States and there is no doubt but that they will give it a determination equally favorable.

When a Government is established in America that can give energy to its laws and security to property, it is not to be doubted but that many persons of respectability and interest from the old world will make a valuable addition to the citizens of the new.

G Washington to His Ex^t Gov^r Randolph

Mount Vernon January 8th 1788

[Washington Papers, Letter-book 6B, p. 254. Transcript.]

The letter which you did me the honor of writing to me on the 27th Ult^o, with the enclosure, came duly to hand. I receive["d" erased] them as a fresh instance of your friendship and attention. For both I thank you.

The diversity of Sentiments upon the important matter which has been submitted to the People, was as much expected as it is regretted, by me. The various passions and medium by which men are influenced are concomitants of fallibility—engrafted into our nature for the purposes of unerring wisdom; but had I entertained a latent hope (at the time you moved to have the Constitution submitted to a second Convention) that a more perfect form would be agreed to—in a word that any Constitution would be adopted under the impressions and Instructions of the members, the publications which have taken place since would have eradicated every form of it. How do the sentiments of the

influential characters in this State who are opposed to the Constitution, and have favoured the public with their opinions, quadrate with each other? Are they not at variance on some of the most important points? If the opponants in the same State cannot agree in their principles what prospect is there of a coalescence with the advocates of the measure when the different views, and jarring interests of so wide and extended an Empire are to be brought forward and combated.

To my judgement, it is more clear than ever, that an attempt to amend the Constitntion which is submitted, would be productive of more heat, & greater confusion than can well be conceived. There are somethings in the new form, I will readily acknowledge, w^{ch} never did, and I am persuaded never will, obtain my cordial approbation; but I then did conceive, and now do most firmly believe, that, in the aggregate, it is the best Constitution that can be obtained at this Epocha; and that this, or a dissolution of the Union awaits our choice, & are the only alternatives before us—Thus beliving, I had not, nor have I now any hesitation in deciding on which to lean.

I pray your forgiveness for the expression of these sentiments. In acknowledging the receipt of your Letter on this subject, it was hardly to be avoided, although I am well disposed to let the matter rest entirely on its own merits—and mens minds to their own workings.

G Washington to The Count de Rochambeau.

[Washington Papers, Letter-book 6B, p. 256. Transcript.]

Mount Vernon January 8th 1788

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I now begin to hope that the period is not very distant when this country will make a more respectable figure in the eyes of Europe than it has hitherto done. The constitution forme by the late Convention appears, as far as my information extends, to be highly acceptable to the people of these States.—Jersey, Delawere & Pensylvania having already decided in its favor, the two former unanimously and the latter by a majority of two to one; the Conventions in the other States have not yet determined upon it but their dispositions are very favourable. Whenever this Government is established we shall regain thus confidence and credit among the European powers which a want of energy in the present confederation has deprived us of;—and shall likewise feel the benefit of those commercial and political advantage which our situation holds out to us. This event must be extreemly pleasing to every friend of humanity and peculiarly so to you and others, who must feel interested in the happiness and welfare of this country, from the part which you took in establishing her liberty and independence.

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Sam^l Huntington to Hon^{ble} Charles Thomson Esq^r

[The Papers of the Continental Congress, No. 66, vol. II, p. 382.]

Jan^y 9th 1788—

I have recieved your favour of the 27th Ultimo, covering the Act of Congress to which it refers.

I have the satisfaction to inform You, that the Convention of this State have this day ratified the new proposed Constitution, by a majority of more than three to one.

Two of the Delegates designated to attend Congress have been detained to attend the Convention of this State, which being this day dissolved, You may expect this State will be represented in Congress within a few days.

Letters to Washington, vol. LXXII, p. 12 }

Jon^a Trumbull to [George Washington]

Hartford 9th Jan^y 1788—

With great satisfaction I have the Honor to inform that last Evening the Convention of this State, by a great Majority, Voted to ratify & adopt the new proposed Constitution for the United States—Yeas 127—Nays 40—

With additional pleasure I can inform that the Debates on this subject, have been conducted ^{with} a spirit of great Candour, Liberality & fairness—and the Decision received with the universal Applause of a numerous Body of the People of the State, who attended the public Deliberations of their Convention—& expressed their cordial Assent, on the moment of Decision, with a general Clap—

The great Unanimity with which this Decision has been made—and the liberality with which its previous Deliberations have been conducted in this State, I hope will have a happy influence on the Minds of our Brethren in the Massachusetts—their Convention is now collecting & will be favored with this Information Tomorrow—

It may not be amiss to mention, that in the List of Affirmants in this State, stand the names of all our principal Characters—with the Men of Liberality, Sentiment & Influence.

Altho not honored with the Appointment of a Delegate (being, in my particular Circle, under the Cloud of Com-

mutation & Cincinnati) I have attended the Debates of this Convention from their beginning to the Close—& have been amply compensated, by the pleasure—the satisfaction & instruction I have participated on the Occasion.

B Lincoln to His Excellency General Washington

Boston Jan^y 9^h 1788

[Letters to Washington, vol. LXXII, p. 9.]

* * * * *

Our convention meets this morning to take into consideration the proposed plan of government for the United States. Whether it will be adopted or not, in this State, the most prophetic spirit among us cannot certainly determine, I cannot but hope, however, that it will be received here. Whether this hope is well grounded or whether it exists from an ardent wish that it may be, I cannot say, for when we become anxious for the success of any particular proposition we too often weigh with partiality arguments in favor as well as too inattentively those against the measure. I must experience a very great change or I shall give it my most hearty assent.

The constitution has very potent adversaries in this State, it is said that M^r S Adams, General Warren & M^r Gerry are among them the former only is in convention—All the Gentlemen you know.

I hope and trust that the business will be conducted with moderation candor & fairness, otherwise we may bear down the opposition but we shall never sooth and quiet their minds to do which I consider as a matter of very great importance for it will require all the wisdom aid and attention of all the lovers of order and a good government to

bring the system, if adopted into exercise and to a void that confusion and misery which has too often marked the progress of the various governments now established in the world.

* * * * *

13th * * * We have been four days in convention organizing the house attending to disputed elections &c these things being pretty fully over we expect tomorrow morning to have the proposed constitution read & to proceed afterwards upon a disension of it. I am now as much at a loss to know what will be its fate as I was the first day we met. Should any thing of importance turn up I will have the pleasure of advising you of it by the next post

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[Washington Papers Letter-book 6B, p. 253 Transcript]

G Washington to The Hon^{ble} Maj^r Gen^l Knox.

Mount Vernon January 10th 1788

I beg you to accept my thanks for your obliging favor of the 11th Ult^o which owing to the dullness of the season and want of matter for entertainment has occasioned to remain unacknowledged till now.

Three States (to wit Pennsylvania new Jersey, and Delaware) having adopted the Constitution in so decisive a manner and those of New Hampshire, Massachusetts, and Connecticut having discovered such favourable sentiments towards it places the final success in my opinion, beyond all manner of doubt. Maryland must unquestionably will adopt it; from N^c Carolina, so far as acc^t have been received the disposition of the People is favourable—from the States South of it I have heard nothing but insanity, or a desire to form Alliance with the Spaniards and Savages can oppose

the opposition in this State, tho' headed by very influential characters, is not, in my opinion (tho' I may be an incompetent judge never going from home, and seeing no body except those who call upon me) much to be dreaded. My opinion of the matter is, that the new form, on the final decision on our Convention will be acceded to by a large majority—The determinations of new York of all others seem most problematical, and yet I can hardly entertain an idea that she would wish to stand alone, or with one or two others if the States on her flanks are confederated.

Whether war or Peace will be the Issue of the present dispute between France and England seems yet undecided if the former we shall certainly get involved unless there is energy enough in the Government to keep our people within proper bounds. and that this is not the case at present I believe none will deny.

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G Washington to The Marq^s de la Fayette.

Mount Vernon January 10th 1788

[Washington Papers, Letter-book 4B, p. 278. Transcript.]

I fear my dear marq^y, you will believe me to have been remiss in attentions to you. my last letters, I find, have been unaccountably concentrated in the same hands and unreasonably delayed; entirely contrary to my expectation. when you shall have received them by the Chevalier Paul Jones, you will acquit me of any intended or real neglect. one of these letters containing the form of Government which has been submitted by the fœderal Convention to the People of these States I wished to have got to your hands by the first conveyance as it was my intention that you should

have been among the first to be informed of the proceedings of that body.

* * * * *

At this moment, however, it appears by the current of intelligence from your side of the Atlantic, that but too many motives & occasions exist for interrupting the public tranquillity. * * *

To guard against the similar calamities of domestic discord or foreign interposition, and effectually to secure our liberties, with all the benefits of an efficient Government, is now the important subject that engrosses the attention of all our part America. you will doubtless have seen, in the public papers, in what manner the new Constitution has been attacked and defended. There have been some compositions published in its defence, which I think will, at least, do credit to American genius. I dare say its principles and tendencies have, also, before this time been amply discussed in Europe. Here, that is in United America, it is strongly advocated by a very a great and decided majority. The Conventions, in the States of Jersey and Delaware, have unanimously adopted it: and that of Pennsylvania by a majority of two to one. no other State has yet had an opportunity of deciding. New England (with the exception of Rhode Island, which seems itself, politically speaking, to be an exception from all that is good) it is believed will cheerfully and fully accept it: and there is little doubt but that the three Southern States will do the same. In Virginia and new york its fate is somewhat more questionable: though, in my private opinion, I have no hesitation to believe there will be a Clear majority in its favor, in the former: of the latter, I can say nothing from my own knowledge,

its advocates, there, generally conclude that they shall carry it.

Upon this summary view, you will perceive, my dear Marquis, the highest probability exists that the proposed Constitution will be adopted by more than nine States, by some period early in the coming summer.

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G Washington to The Hon^{ble} James Madison.

Mount Vernon January 10th 1788

[Washington Papers, Letter book 6B
p. 270. Transcript]

I stand indebted to you for your favors of the 20th & 26th Ult^o and I believe for that of the 14th also, and their enclosures.

It does not appear to me that there is any certain criterion, in this State, by which a decided judgement can be formed ["of" erased] the mass which is entertained by its Citizens with respect to the Constitution. my sentiments is that it will be ultimately favoured by a large majority. That the opposition should have gained strength at Richmond, among the members of assembly is not if true to be wondered at when we consider that the great adversaries to the Constitution are all assembled at that place acting conjunctly with the promulgated Sentiments of Col^o R. H. L. as auxiliary. He is said however, and I believe it may be depended upon, that the latter (tho' he may retain his sentiments) has withdrawn or means to withdraw his opposition; because as he has expressed himself or as others have done it for him, he finds himself in bad company—such as with M—r Sm—th &^c &^c—His brother, Frances L. Lee, on whose judgement the family place much reliance, is decidedly in favor of the

new form, under a conviction that it is the best that can be obtained and because it promises energy stability & that security which is, or ought to be the wish of every good Citizen, of the Union. How far the decision of the debating club (mentioned to you in a former letter) may be considered as auspicious of the final decision of the Convention in this State, I will not prognosticate, but in this Club the question it seems was determined by a very large majority in favor of the Constitution.—but of all arguments which may be used at the Convention which is to be held for it the most prevailing one I expect will be, that nine states at least will have acceded to it.—and if the Unanimity, or majorities in those which follow are equal to those which are passed, the force of them will prove irrisistable. The Gov^t has given his reasons to the Public for withholding his signature—a copy of them I send you.

* * * * *

P. S. I have this moment been informed that the Assembly of N^o Carolina have posponed the meeting of the Convention of that State until July—This seems to be calculated evidently for the purpose of taking the ton from Virginia.

G Washington to Charles Carter Esq^r

Mount Vernon January 12th 1788

I find that an extract of my letter to you, is running through all the news papers; and published in that of Baltimore with the addition of my name.

Altho' I have no dis-inclination to the promulgation of my Sentiments on the proposed Constitution (not having concealed them on any occasion) yet I must nevertheless confess, that it gives me pain to see the hasty, and indigested pro-

duction of a private letter, handed to the public, to be inadvertently upon by the adversaries of the new Government. Could I have supposed that the contents of a private letter (marked with evident haste) would have composed a newspaper paragraph, I certainly should have taken some pains to dress the Sentiments (to whom know is indifferent to me) in less exceptionable language, and would have assigned some reasons in support of my opinion, and the charges against others.

I am persuaded your intentions were good, but I am not less persuaded, that you have provided food for strictures and criticisms.—be this however as it may, it shall pass of unnoticed by me, as I have no inclination, and still less abilities for scribbling.

H Knox to His Excellency Gen^l Washington

New York 14 January 1788

[Letters to Washington, vol. LXXII, p. 16.]

Some time has elapsed since my writing to you as I had nothing to offer but what you were acquainted with through the medium of the public papers

The new constitution has hitherto been as well received as could have been expected, considering the various existing opinions prejudices, and parties in the respective states

In addition to Delaware Pennsylvania, and New Jersey, Connecticut has adopted the Constitution by a noble majority of 127 to 40. This event took place on the 9th. instant. I call the majority a noble one because it included every character in the convention of any real importance excepting Gen^l James Wadsworth, whom you may remember commandant of a brigade of Connecticut militia in the year 1776.

Colonel Wadsworth writes me that the present Governor and Lieutenant Governor The late Governor, The judges of the supreme Court and the Council were of the convention and all for the constitution excepting Jas Wadsworth

The Massachusetts Convention were to meet on the 9th The decision of Connecticut will influence in a degree their determination and I have no doubt that the Constitution will be adopted in Massachusetts—But it is at this moment questionable whether it will be by a large majority

There are three parties existing in that state at present, differing in their numbers and greatly differing in their wealth and talents

The 1st is the Commercial part, of the state to which are added, all the men of considerable property, The clergy,—the Lawyers—including all the judges of all the courts, and all the officers of the late army, and also the neighbourhood of all the great Towns—its numbers may include $\frac{3}{7}$ ths of the State This party are for the most vigorous government perhaps many of them would have been still more pleased with the new Constitution had it been more analagous to the british Constitution

The 2^d party, are the eastern part of the state lying beyond New Hampshir formerly the Province of Main—This party are chiefly looking towards the erection of a new state, and the Majority of them will will adopt or reject the New Constitution as it may facilitate or retard their designs, without regarding the merits of the great question—This party $\frac{2}{7}$ ths

The 3^d party are the Insurgents, or their favorers, the great majority of whom are for an annihilation of debts

public & private, and therefore they will not approve the new constitution—This party wish

If the 1st and 2^d party agree as will be most probable, and also some of the party stated as in the insurgent interest, the constitution will be adopted by a great majority notwithstanding all the exertions to the Contrary

Mr Samuel Adams has declared he will oppose it in the Convention, to the very great disgust of the people of Boston his constituents. It is said Boston were about to take some spirited measures to prevent the effect of this opposition.

* * * * *

J^s Madison Jr to His Exc^y Gen^l Washington

N. York Jan^y 14. 1788.

[Letters to Washington, vol. LXXII, p. 14. Madison Papers, vol. IV, p. 23. Copy.]

The Daily Advertizer of this date contains several important articles of information, which need only be referred to. I inclose it with a few other late papers. * * * I have heard nothing of Consequence from Massachnssetts since my last. The accounts from New Hampshire continue to be as favorable as could be wished. From South Carolina we get no material information. A letter from Georgia, says that the Convention was getting together at Augusta and that every thing wore a fœderal complexion. N. Carolina it seems, has been so complaisant to Virginia as to postpone her Convention till July. We are still without a Congress.

[Madison Papers,
vol. XV, p. 51.]

Arch^d Stuart to The honorable James Madison j^r Esq^r
New York—

Richmond Jan^y 14th 1788

* * * * *

The anti-constitutional Fever which raged here some time ago begins to abate & I am not without hopes that many patients will be restored to their senses—M^r Page of Rosewell has become a Convert Gen^l Nelson begins to view the Govt with a more favorable eye & I am told S^t G.^r Tucker has confessed his sins—

Publius is in general estimation, his greatness is acknowledged universally—Col^l Carrington has sent me his numbers as late down as y^e 24th inclusive which Dixon has been printing for some time past Should he leave New York I must rely upon [“Yourself” written upon “M^r”] & M^r Brown to transmit the remainder of them as they shall appear—They may be Directed to me or in my Absence to M^r John Dixon—

* * * * *

[Madison Papers,
vol. XV, p. 53.]

Tench Coxe to [James Madison]

Philad^a Jan^y 16th 1788.

I have obtained from the Editor about sixty pages of the debates of our State Convention, w^{ch} I am anxious to get into the hands of M^r King, for the use of the gentlemen in the Massachussets convention. Uncertain whether he is in New York or Boston I have taken the liberty of enclosing it to you with a request that you will as early as possible have it sent forward to him under a franked cover from yourself.

I observe the letters of Publius are to be printed by Subscription at New Yk Shall I ask the favor of your delivering

the enclosed bills to the printer, and requesting him to set me down for a copy? They are most valuable disquisitions of Government in its peculiar relations and connexions with this Country.

Enclosed is a little paper the republication of w^{ch} may possibly be useful in New York.

Rufus King to J. Madison Esq

[Madison Papers,
vol. XV, p. 54.]

Boston 16. Jan^y 1788

We may have 300 members in our Convention, not more than 330 have yet taken their Seats—immediately after the settlement of Elections the Convention resolved that they would consider and freely deliberate ^{on} each paragraph without taking a[“ny” erased] Question on any of them individually & that on the question whether they w^d ratify, each member sh^d be at liberty to discuss the plan at large—this Resolution seems to preclude the Idea of Amendments, and hitherto the measure has not been suggested. I however do not from this Circumstance conclude that it may not hereafter occur—the Opponents of the Constitution moved that M^r Gerry sh^d be requested to take a seat in the Convention to answer such Enquiries as the Convention should make concerning ^{Facts which happened in} the passing of the Constitution; although this seems to be a very irregular proposal, yet considering the Jealousies which prevail with those who made it (who are certainly not the most enlightened part of the Convention) and the doubt of the issue had it been made a trial of strength, several Friends of the Constitution united with their Opponents and the resolution was agreed to, & M^r Gerry has taken his Seat.

Tomorrow we are told certain Enquiries are to be moved for by the Opposition, & that M^r Gerry under the Idea of stating Facts is to state his reasons &c—this will be opposed and we shall on the division be able to form some Idea of our relative Strength—

From the Men who are in favor of the Constitution every reasonable explanation will be given, and arguments really new and in my Judgment ^{have been &} most excellent will be produced in its Support—But what will ^{be} its fate I confess I am unable to discern—No question ever classed the people of this State in a more extraordinary manner, or with more apparent Firmness—

Jefferson Papers,
series 2, vol. LXXIV,
No. 30.

W. S. Smith to H. E. Tho^s Jefferson

London Jan^y 16th 1788.

* * * * *

I have the pleasure of informing you that our last accounts from Boston & Philadelphia state that the proposed confederation, was undergoing a very accurate investigation, upon just liberal & patriotic principles, I have not the least objection nay I wish it may be altered, in some points, but I seriously would (notwithstanding its defects) rather it should be adopted as it is—than be entirely laid aside,—for I am not the least apprehensive that our Countrymen for the Century to come at least, will submit to tyrannical establishments, I am rather fearfull they are too generally advocates for an unbounded freedom of action & the liberty of putting such constructions upon public acts as pro: tem: are best suited to their particular views & interests

Ed. Carrington to The Honble M^r Madison.

[Madison Papers,
vol. XV, p. 55.]

Richmond Jan. 18. 1788

I arrived here on Wednesday night last, and have as yet had but little opportunity to sound the people in any part of of the Country upon the constitution—the leaders of the opposition appear generally to be preparing for a decent submission—the language amongst them is, that amendments must be tried if there should, at the sitting of the convention, be a prospect of carrying them down in a respectable number of States, but that should this appear improbable, the constitution must be adopted—I have seen but few of these Gentlemen but ^{have} good information as to most of their dispositions upon the subject. The Governors letter to the Public, which you doubtless have before this seen, marks out this conduct, and I think that publication will be of great service. M^r Henry, it is said, is determined to amend & leave the fate of the measure to depend on all the other States conforming to the Will of Virginia. [“the” stricken out] ^{his} language, is, that the other States cannot do without us, and therefore we can dictate to them what terms we please—should they be weak enough to stand out, we may alone enter into foreign alliances—the Value of our staple is such that any Nation will be ready to treat with us separately—I have not heard of any who have shewn a disposition to go this length with him, except M^r Bullet whom I saw at Dumfries, and I think at the day of trial but few will be found so mad.

M^r B. Randolph whose apprehensions from the gigantic features in the constitution, appear to be as high as any whatever, is of opinion with the Governor—He thinks that

should nine States have adopted when the convention of Virginia meets, every idea of amendment ought to be abandoned, but that should there be a less number the attempt must be made, but with such caution as not to hazard intirely the fate of the measure. I am persnaded that this will become the prevailing sentiment amongst the Malcontents, and in that case there will be tolerable safety, because I see no prospect of more than Rhode Isl^d N. York & North Carolina holding out—the latter, it is said, & I believe with truth, have, out of respect for Virginia, deferred her convention until after the time appointed for ours to sit.

I shall go up the Country tomorrow and shall do myself the pleasure to write you more fully as soon as my information shall enable me to give you a more satisfactory account of the Public opinion.

I was last night favoured with yours of the 7th Instant and thank you for it— * * *

P. S. Since writing the above I have procured a Copy of the Gov^rs letter which is inclosed—be good enough to let our Friend at N^o 73. King Street, have a sight of it with my compliments.

[Washington Papers, Letter-book 6B, p. 207. Transcript.]

G Washington to Samuel Powell Esq^r

Mount Vernon January 18th 1788

Having nothing eithe interesting or entertaining in this quarter to communicate, our faces being turned to the Eastward for news I felt no inclination to give you ["the" stricken out] the trouble of perusing a dull scrawl, merely to acknowledge the rec^d of your obliging favor of the 12th Ult^a and to thank you for the information it conveyed, hop-

ing that in a little time something might occur more worthy of your attention but herein I am disappointed.

It is with pleasure I find that the States of Pennsylvania, New Jersey and Delaware have adopted the proposed Constitution for a federal Government: the two latter unanimously and the former by so large a majority. Connecticut, Massachusetts and new Hampshire come next, in the order they are mentioned and will I hope with a decision equal to those which have preceeded them give their voices in favor of it. Of Maryland there can be little doubt and tho the Constitution in this State has powerful adversaries little doubt of its adoption has a place in my mind—but in this I may be mistaken.—for as I never go from home and see few besides travellers, my conjectures may be founded in error. North Carolina has, it seems postponed the meeting of its Convention to a later period than that of Virginia which it indicates I conceive of a disposition to take the tone from hence from the States South of it, I have no information that can be relied on, except that Georgia in appointing a Convention, have accompanied the act with powers to alter or amend the Federal Constitution but if a weak State with the Indians on its back and the Spannaids on its flank do not see the necessity of a General Government there must I think be wickedness or insanity in the way.

* * * * *

R. King to J. Madison Esq^r

[Madison Papers,
vol. XV, p. 56.]

Boston 20 Jan 1788—

Our convention proceeds slowly—an apprehension that the liberties of the people are in danger, and a distrust of men of property or Education have a more powerful Effect

upon the minds of our Opponents than any specific Objections against the constitution — If the Opposition was grounded on any precise Points, I am persuaded that it might be weakened if not entirely overcome—But every Attempt to remove their fixed and violent Jealousy seems hitherto to operate as a confirmation of that baneful passion—The Opponents affirm to each other that they have an unalterable majority on their side; the Friends doubt the strength of their Adversaries but are not entirely confident of their own.

An Event has taken place relative to M^r Gerry, which without great Caution may throw us into Confusion; I informed you by the last post on what Terms M^r G. took a seat in the Convention—Yesterday in the Course of debate on the construction of the senate, M^r G. nnaked informed the Convention that he had some Information to give the Convention on the Subject then in discussion—M^r Dana and a number of the most respectable members, remarked upon the Impropriety of M^r G-'s conduct—M^r G. rose with a view to justify himself; he was immediately prevented by a number of Objectors; this brought on an irregular Conversation whether M^r G. sh^d be heard—the Hour of Adjournment arrived and the President adjourned the House—M^r Gerry immediately charged M^r Dana with a design of injuring his Reputation by partial Information, & preventing his having an Opportunity to communicate important Truths to the Convention; this charge drew a warm reply from M^r Dana, the Members collected about them, took sides as they were for or against the Constitution, and we were in Danger of the utmost Confusion—However the Gentlemen separated—

and I suppose Tomorrow Morning will renew the Discussion before the Convention—

I shall be better able to conjecture the final Issue by next Post—

B Lincoln to His Excellency General Washington

Boston Jan^y 20, 1788

[Letters to Washington, vol. LXXXII, p. 22]

* * * * *

Having been detained from convention for a number of day I requested one of my friends to give me a general state of matters which statement I do my self ^{the pleasure} to inclose with the last papers from them your Excellency will learn in what stage the business of convention is in—I hope the constitution will be adopted I think matters wear a better face than they did—

[ENCLOSURE.]

On Monday it was moved that M^r Gerry should be requested to attend the debates of Convention, and answer any questions of fact touching the proposed frame of Govt—the federalists wish'd that he might be requested to attend and give his reasons for not ["putting" written upon "giving"] his signature to the Constitution—but so many, were anxious to gratify the opponents in attaining, what they thought information on the subject, that the first motion pass'd, as a compromise—on tuesday he attended having been waited upon by a committee, from the body, to request his attendance for this purpose—the Committee was composed of men, by name, Wedgery Nason & Spring, whom, six months since M^r Gerry & evry good man heartily

despised, as devoid of principle & fomenters of faction—men who are indebted to the late tumults in this Commonwealth for their present situation—

In the afternoon of Monday, the first paragraph of the Constitution was read—objections were stated, that in so important a concern, an invocation of the deity ought to ^{precede} have the plan—this was passed sub silentio—No objections were raised to the first section of the first article—the second was warmly opposed, & most of the arguments pro & con, are in the papers—the second paragraph met with like observations—3^d paragraph was the object of much discussion, but was explained much to the satisfaction of good & reasonable men—these & the two last sections took up the attention of the house till Friday night—when a question, for the first time, was proposed to Mr Gerry viz Why Georgia was entitled to three reps, under this Constitution, and Masss but to eight, when in former requisitions on Masss, she had been requir'd to pay thirteen times the amount Georgia was assess'd—a motion was made by Mr Dana, at the request of Mr G— as he declared in Convention, & Mr Gerry acceded to, that the question should be reduced to writing, & the answer in writing be laid on the table—this was complied with on Saturday morning—a debate then ensued on the first paragraph in the 3^d section—and an objection was raised against the equality of the representation of the states in the senate—Mr Strong stated that this was a matter of long debate in the fed-convention—& that a committee consisting of a member from each state in the Convention was appointed to consider the subject—that, in regard to an equality of representation of states in the senate the committee [“unanimously” stricken out] agreed & so reported to Convention—

soon after Mr G. attempted to address the Convention, saying he had stated in writing some observations on the section in debate—this produced an argument warm, but decent, on the propriety of Mr G, or any other person obtruding [“his” stricken out] sentiments on the house—and a question, by one Wedgery, was proposed in writing, desiring to communicate information & opinion on the proposed section—this was opposed on the following ground—That Mr Gerry was called to that body merely to answer questions of fact—that if the opinion or reasons of any man ^{not a member} were taken in that house, it was a delegation of power the Convention had no authority to delegate, & appointing one a member, who was not a rep. of the people—in the heat of debate a motion for adjournment prevaild—after which M^r G. in great warmth observd to M^r Dana that he woud not be sacrifice’d by partial representation Mr Dana replied he woud not sacrifice the dignity of the Convention to any man—that he, M^r G. was appointed by the Legislatre—to them he stated his objections & offer’d to give the reasons of his objections—but they, who alone had a right to make this enquiry declin’d it—Mr Gerry said he was obliged [“to obliged” stricken out] to attend Convention—this was denied by Mr Dana—and the debate growing warm, M^r King interfered & the gentlemen retir’d to their lodgings—M^r Dana [“a” written upon “by”]ttended by good men of all classes—& Mr Gerry by the opponents of the present constitution, who to say the least, are in patriotism, property & morality of no certain estimation—

J^s Madison Jr. to Gen^l WashingtonN. York Jan^y 20. 1788.

[Letters to Washington, vol. LXXII, p. 27. Madison Papers, vol. IV, p. 24. Copy.]

* * * * *

The intelligence from Massachusetts begins to be very ominous to the Constitution. The antifederal party is reinforced by the insurgents, and by the province of Mayne which apprehends greater obstacles to her scheme of a separate Government, from the new system than may be otherwise experienced. And according to the prospect at the date of the latest letters, there was very great reason to fear that the voice of that State would be in the negative. The operation of such an event on this State may easily be foreseen. Its Legislature is now sitting and is much divided. A majority of the Assembly are said to be friendly to the merits of the Constitution. A majority of the Senators actually convened are opposed to a submission of it to ["a" written upon "the"] Convention. The arrival of the absent members will render the voice of that branch uncertain on the point of a Convention. The decision of Massachusetts either way will involve the result in this State. The minority in Penn^a is very restless under their defeat. If they can get an Assembly to their wish they will endeavor to undermine what has been done there. If backed by Mass^{ts} they will probably be emboldened to make some more rash experiment. The information from Georgia continues to be favorable. The little we get from S. Carolina is of the same complexion.

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G Washington to The Hon^{ble} John Jay.

Mount Vernon January 20th 1788

[Washington Papers, Letter-book 6B, p. 301. Transcript.]

* * * * *

We are locked fast in frost.—expecting as soon as the weather breaks to hear what the Conventions of Connecticut and Massachusetts have resolved on with respect to the Government which is submitted to them—The determinations of your States and of this important subject seem more problematical than any other—yet, little doubt remains in my mind of the adoption of it—in Virginia I may be mistaken, for going seldom from home and seeing few besides travellers, my information may be defective.—North Carolina we are told had fixed a late period for the meeting of its Convention—hence (it is not unfair to infer) They mean to take the ton from this State.

* * * * *

G Washington to Charles Carter Esq^r

Mount Vernon January 20th 1788

[Washington Papers, Letter-book 6B, p. 299. Transcript.]

Your favor of the 21st of last month, came to my hands last night only,—where it has been resting, or through whose hands it has passed, I know not.—I wish it had reached me in time for the prevention of the hasty and indigested sentiments of my former letter, going to the press.—not, as I observed in my last, because I had the least repugnance to the communication of them in a proper dress accompanied with reasons for there support if any person whatever was desirous of knowing them.—

* * * * *

[Washington Papers, Letter-book 6B, p. 302. Transcript.]

G Washington to Charles Carter Esq^r

Mount Vernon January 22^d 1788

I return the letters which you were so obliging as to forward to me under cover of the 17th—I am satisfied you had no agency in publishing the extract of my letter to you which is now to be traced through all the news Papers, and am sorry that I signified any concern on this occasion, as it has given you so much trouble.

[Madison Papers, vol. XV, p. 57.]

Tench Coxe to [James Madison]

Philad^a Jan^y 23^d 1788—

I am truly sorry that appearances are not more promising in Massachussets than I learn from your letter of 20th instant. The pamphlet may be of signal service as things unhappily are so circumstanced & I rejoice in having sent it. I hope the movements of the tradesmen will have an influence on a principal Character. The peculiar situation of Maine is unfortunate., [“and” stricken out] The greatest difficulty will arise, I fear, from circumstances w^{ch} like this have Nothing to connect them with the constitution as matters of government.

I believe there is a real Change working in Virginia. M^r Contee of Maryland, now at New York, mentioned some Circumstances with regard to M^r R. H. Lee that may be worth your possessing yourself of for the information of M^r King. I am unacquainted with M^r Contee but I am told he spoke of several things which promise a Change of Conduct, tho perhaps not of Opinion on the part of M^r Lee. I am informed also that Col. Grierson has written in these terms “that the game is up for George has been undoing all that they have

done. The person, who mentioned this to me told me he had seen the letter. Connecticut I hope will have influence every where especially in New York & Massachussets.

I observe Consolidation is the great Object of Apprehension in New York. The same thing, the benefits of State sovereignty, is the difficulty in my opinion most generally prevailing. It does all the mischief in Pennsylvania. I have therefore thought a few well tempered papers on this point might be useful & have commenced them under the signature of the freeman in this days Gazettee, of w^{ch} I send you a copy. It is incorrectly printed & hastily written for at this time I happen to be very much engaged. I wish I had time and more talents for the duty. I trust however some good may happen from them & little harm—Should they be of any use in New York or Massachussets it may be well to republish them there.

I add a second copy of the freeman, one of w^{ch} perhaps it may be useful to send for republication to M^r King.

R King to [James Madison]

[Madison Papers,
vol. XV, p. 58.]

Boston 23. Jan. 1788

Our prospects are gloomy, but hope is not entirely extinguished—Gerry has not returned to the Convention, & I think will not again be invited—We are now thinking of amendments to be submitted not as a condition of our assent & Ratification, but as the opinion of the Convention subjoined to their Ratification—This scheme may gain a few members, but the issue is doubtful—

[Letters to Washington, vol. LXXII, p. 36; Madison Papers, vol. IV, p. 25. Copy.]

Js. Madison Jr to Gen^l Washington

N. York Jan^y 25. 1788.

I have been favoured since my last with yours of the 10th inst: with a copy of the Governours letter to the Assembly. I do not know what impression the latter may make in Virginia. It is generally understood here that the arguments contained in it in favor of the Constitution are much stronger than the objections which prevented his assent. His arguments are forceable in all places, and with all persons. His objections are connected with his particular way of thinking on the subject, in which many of the adversaries to the Constitution do not concur.

The infomation from Boston by the mail on the evening before last, has not removed our suspence. The following is

[The entire letter is quoted. For original, see page 445.]

an extract of a letter from M^r King dated on the 16th inst:

* * * * *

[Madison Papers, vol. XV, p. 60.]

Tench Coxe to [James Madison]

Philad^a Jan^y 27th 1788

From your letter with respect to the Convention at B. I have been anxious to procure the Rem^r of M^r Lloyd's debates to send to M^r King. There were some pages more struck off, which I have obtained and cover them to you with a letter to be forwarded as before. I beg your pardon for the trouble I give & the freedom I have used.

I find our Opposition were possessed of the temper of the Western & Eastern Members of the Massachussets Convention very minutely when I rec^d your letter. That evening a person much Opposed to ^{the} Constitution said Massachussets would reject it. I fancy M^r G. & M^r S. A. keep up a minute & regular correspondence. * * *

[Rufus King] to J. Madison Jun^r Esq^r[Madison Papers,
vol. XV, p. 61.]

Boston 27 Jan. 88

I hope your information will be confirmed, that the Tide is again turning in favor of the Constitution in Virginia—We make but slow progress in our Convention, the Friends of the Constitution who in addition to their own weight, are respectable as they represent a very large proportion of the Good Sense and Property of this State, have the Task not only of answering, but also of stating and bringing forward, the Objections of their Opponents—The Opposition complain that the Lawyers, Judges, Clergymen, Merchants and men of Education are all in Favor of the constitution, & that for this reason they appear to be able to make the worst, appear the better cause—But say they if we had men of this Description on our Side we should alarm the People with the Imperfections of the Constitution, & be able to refute the Defence set up in its favor—Notwithstanding the superiority of Talents in favor of the constitution, yet the same infatuation, which prevailed not many months since in several Counties of this State, and which emboldened them to take arms ag^t the Government seems to have an uncontrollable authority over a numerous part of our Convention—their Objections are not directed against any part of the constitution, but their Opposition seems to arise from an Opinion, that is immoveable, that some injury is plotted against that the System is the production of the Rich, and ambitious; that ^{them,} they discern its operation, and that the consequence will be, the establishment of two Orders in the Society, one comprehending the Opulent & Great, the other the poor and illiterate—

The extraordinary union in favor of the Constitution in

this State, of the wealthy and sensible part of it, is a confirmation of their Opinion; and every Exertion hitherto made to eradicate it has been in vain—

We have avoided every Question which would have shewn the division of the House, of consequence we are not positive of the numbers on each side, by the last calculation we made on our side, we were doubtful whether we exceeded them or they us in Numbers—they however say that they have a majority of Eight or Twelve ag^t us—We by no means despair—

[Letters to Washington, vol. LXXII, p. 41.]

B Lincoln to His Excellency General Washington

Boston Jan^y 27^h 1788—

I have the pleasure of inclosind two news papers in which are the debates of the convention to saturday the 19th they are not forward enough to give your Excellency a just state of the business I therefore am inclined to observe that yesterday we were on the 9th sec^t—The oposition seem now inclined to hurry over the business and bring on as soon as possible the main question however this they are not permitted to do it is pretty well known what objections are on the minds of the people it becomes therefore necessary to obviate them if possible we have hither to done this with success the oposition see [“it” written upon “this”] and are alarmed for there are a vast many people attending in the galleries (we now assemble in one of our meeting houses) and most of the arguments are published in the papers both are of use—

Your Excellency will see in the paper propositions for adopting the constitution on conditions, this will not be

attended to—It is possible if we adopt it absolutely that the convention may recommend certain amendments—It will never I presume be adopted on any conditions, It will pass absolutely or be rejected. I have now higher expectations that it will pass than when I last wrote I think the friends to it increase daily, however I would not raise your Excellency's expectations too high it is yet impossible to determine absolutely its fate—

M^r Gerry as mentioned in my last left the convention in dugeon he has not since returned to it I presume he will not return

J^s Madison Jr. to Gen^l Washington.

New York Jan^y 28. 1788

[Letters to Washington vol. I, XXII, p. 52. Madison Papers, vol. IV, p. 26. Copy.]

The information which I have by the Eastern mail rather increases than removes the anxiety produced by the last. I give it to you as I have rec^d it in the words of M^r King.

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[For original, see page 449.]

There are other letters of the same date from other gentlemen on the spot which exhibit rather a more favorable prospect. Some of them I am told are even flattering. Accounts will always vary in such cases, because they must be founded on different opportunities of remarking the general complexion; where they take no tincture from the opinions or temper of the writer.

[Madison Papers,
vol. XV, p. 62.]

Rufus King to J. Madison Jun^r Esq.

Boston 30. Jan 1788. Wednesday

This day for the first our President M^r Hancock took his seat in convention, and we shall probably terminate our business on Saturday or Tuesday next—I cannot predict the issue, but our Hopes are increasing—if M^r Hancock does not disappoint our present Expectations our wishes will be gratified—But his character is not entirely free from a portion of caprice—this however is confidential—

[Madison Papers,
vol. XV, p. 63.]

James Madison [Sr.] to Col. James Madison jun^r New York
Jan^y 30. 1788.

I have deferred writing to you till I saw our Delegates after their return from the Assembly, that I might more fully inform you of their sentiments of the proposed constitution I have only seen Maj^r Burnley at Court on Monday last, but did ^{not} hear him say any thing about it; He disapproves of it, but says very little about it, probably, as he does not intend to offer his service for the convention, he may hurt his interest in the election for Delegates to the Assembly, for which he intends to offer, if he opposes the adoption of the new Constitution too warmly.—Col. Barbour I have not seen, he was not at Court; probably was preparing for his Mothers funeral, who was to be interred the day after. He is much opposed to it, and is a candidate for the Convention. I believe there were but few that disapproved of it at first, in this County: but several being at Richmond with their Tob^o at the time the Assembly was sitting, & hearing the many objections made to it, altered ^{their} opinions, & have influenced some others who are no better acquainted ^{with} ^

the necessity of adopting it than they themselves: And the pieces published against it, have had their intended effect with some others.

The Baptists are ^{now} generally opposed to it, as it is said; Col. Barbour has been down on Pamunky amongst them, & on his return, I hear, publicly declared himself a candidate, I suppose, on the encouragement he met with from the Anti-federalists. I do not know at present any other Candidates but yourself & M^r Gordon, who is a warm friend to the Constitution, & I believe no others that are for it will offer. I think you had better come in as early in March as you can; many of your friends wish it; there are some who suspend their opinion till they see you, & wish for an explanation, others wish you not to come, & will endeavor to shut you out of the Convention, the better to carry their point.

M^r R. H. L^r Letter to the G-r. is much approved of by some, & as much ridiculed by others; and so is the reasoning & representation of the minority of the Pennsylvania Convention:

* * * * *

W^m Moore to [James Madison]

Orange 31st Jan^y 1788

[Madison Papers, vol. XV, p. 63. Written on same sheet as the preceding letter.]

From the foregoing information of your Father of the Fluctuating Sentiments of the Freeholders of this County ["and the Arts" stricken out] on the Constitution proposed by the Convention at Philidelphia and the Arts of some Men in this County to mislead the People whose Interest ^{know} you _^are repugnant to a Govern^t that will Administer Justice safety, protection, and true Liberty to the Good and Virtuous Citizens of America and as you well know the

disadvantage of being absent at Elections to those who offer themselves to serve the Public I must therefore intreat ["you" stricken out] and conjure you nay comm^d you, if ^{it} was in my Power, to be here in February or the first of March Next if you do, I think your Election will be certain, (if not I believe from reports you ["will be left out" stricken out]) and you will in that case be able to silence the ["the" stricken out] disaffected and give that Assistance to the Constitution that your knowledge of it and the Necessity of such Establishment to the well being and future Prosperity of America—However Sir be assured that the Friends of the Constitution will promote your Interest at any rate, but let me repeat it again, as a Lover of your Country, pray dont disappoint the wishes of your Friends and many others who are wavering on the Constitution that are anxiously waiting for an Explanation from you in short they want your Sentiments from your own ^{mouth} which they say will convince them of the necessity of adobpting it—

P. S. I repeat again come—

[Washington Papers Letter-book 6B, p. 309. Transcript]

G Washington to The Hon^{ble} Gen^l Lincoln.

Mount Vernon January 31st 1788

* * * * *

I am very sorry to find that there is like to be so powerful an opposition to the adoption of the proposed plan of Government with you; and I am entirely of your opinion that the business of the Convention should be conducted with moderation, candor and fairness which are not incompatible with firmness; for altho', as you justly observe, the friends of the new System may bear down the opposition yet they would never be able, by precipitate or violent meas-

ures, to sooth and reconcile their minds to the exercise of the Government, which is a matter that ought as much as possible, to be kept in view, and temper their proceedings.

What will be the fate of the Constitution in this State is impossible to tell at a period so far distant from the meeting of the Convention; my private opinion of the matter however is, that it will certainly be adopted; there is however, no doubt but the decision of other States will have great influence here particularly of one so respectable as Massachusetts. You have undoubtedly seen my sentiments upon the Constitution in an extract of a letter written by me to a Gentleman in Fredericksburg, which I find has circulated pretty generally through the papers;—I had not the most distant idea of its ever appearing before the publick, for altho' I have not the least wish or desire to conceal my Sentiments upon the subject from any person living, yet, as the letter containing the paragraph alluded to was written upon several other matters quite foreign to this & intended only for that Gentleman's own inspection, I did not attend to the manner of expressing my ideas, or dress them in the language I should have done, if I had the smallest suspicion of there ever coming to the publick eye through that channel—

I feel myself much obliged by your promise to inform me of whatever transpires in your convention worthy of attention & assure you that it will be gratefully received.

[Indorsement]

Resolution of the Assembly of New York—for calling a Convention to determine upon the new Constitution—Pass'd February 1. 1788. Ent^d

[The Papers of the
Continental Congress
No. 67, vol. II,
p. 857. Print.]

STATE OF NEW-YORK

In ASSEMBLY, January 31st, 1788.

WHEREAS the United States in Congress assembled, did on the 28th day of September last, unanimously resolve, "That the report of the Convention of the States lately assembled in Philadelphia, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention, made and provided in that case." Therefore

Resolved, as the sense of the Legislature, that the said report, with the said resolutions, and letter accompanying the same, be submitted to a Convention of Delegates to be chosen by the people of this State—that it be recommended to the people of this State, to choose by ballot, Delegates to meet in Convention for the purpose aforesaid—that the number of Delegates to be elected, be the same as the number of members of Assembly from the respective cities and counties—that all free male citizens of the age of twenty-one years, and upwards, be admitted to vote, and that any person of that description be eligible—that the election be held on the last Tuesday in April next, at the same respective places where the elections for members of Assembly shall be held, and be continued by adjournment from day to day until the same shall be completed, not exceeding five days—that the inspectors who shall inspect the election for members of Assembly, be also inspectors of the election for Delegates—that the

inspectors do also appoint two clerks, each of whom shall keep a poll list of the electors for Delegates—that the inspectors do provide a box to receive the ballots for Delegates—that the poll books or lists shall after due examination and correction, be signed by the inspectors attending at the closing of the poll, and the clerks who shall have kept the same poll-books respectively, and then the box containing the ballots for Delegates, shall be opened, and the ballots therein contained, taken out, and without being inspected, shall, together with the poll-books or lists for Delegates, be immediately put up under cover and enclosed, and the enclosure bound with tape, and sealed in such manner as to prevent its being opened without discovery; and the inspectors present at the closing of the poll, shall then put their seals, and write their names upon the same enclosure, and one of the inspectors then present, to be appointed by a majority of them, shall deliver the same enclosure, so sealed up as aforesaid, to the clerk of the County, without delay, who shall carefully preserve and keep the same unbroken and unopened, until the meeting of the persons who are to canvass and estimate the ballots therein contained, when he shall deliver the same enclosure unbroken and unopened to them—that the persons authorised by law to canvass and estimate the votes for members of Assembly, do also immediately after they shall have canvassed and estimated the votes to be taken at the elections to be held on the last Tuesday in April next, for members of Assembly, proceed to open the said enclosures containing the ballots for Delegates, and canvass and estimate the votes taken for Delegates, and when and as soon as they shall be able to determine upon such canvass or estimate, who by the greatest number of votes shall have been chosen for Dele-

gates for the city or county, they shall determine the same, and thereupon without delay, make and subscribe with their own proper names and hand-writing, the requisite number of certificates of such determination, and cause one to be delivered to each of the persons so elected a Delegate, and that the said election and canvass, shall in every other respect not herein provided for, be conducted in like manner as is provided for by law, for holding elections for members of Assembly—that the Delegates so to be chosen, do meet in Convention at the Court-house in Poughkeepsie in the county of Dutchess, on the third Tuesday of June next—that the clerks of the Senate and Assembly, do forthwith after the Convention shall have assembled, deliver to them copies of the said report, and of the letter and resolutions which accompanied the same, to Congress, and of the said resolution of Congress—that the Delegates be allowed the same wages as the members of Assembly, and that it will be proper for the Legislature, at their next meeting, to provide for the payment thereof.

In Assembly, February 1st, 1788.

A copy of a resolution of the Honorable the Senate, delivered by Mr. Duane, was read, purporting that the Senate do concur with this House, in their resolution of yesterday, relative to a Convention to be chosen within this State by the people thereof, for the purposes in the said resolution mentioned.

An Extract from the Minutes,

JOHN Mc.KESSON, CLK.

J^s Madison Jr to [George Washington]N. York Feb^r 1. 1788[Letters to Wash-
ington, vol. LXXII, p.
57. Madison Papers,
vol. IV, p. 27. Copy.]

The Eastern Mail which arrived yesterday brought me a
letter from M^r King, of which a copy follows. * * *

[For original, see
page 457.]

In this case as in the last M^r King's information is accom-
panied with letters from other persons on the spot which
dwell more on the favorable side of the prospect. His
anxiety on the subject may give a greater activity to his
fears than to his hopes; and he would naturally lean to the
cautious side. These circumstances encourage me to put as
favorable a construction on his letter as it will bear.

A vessel is arrived here from Charlestown which brings
letters that speak with confidence of an adoption of the fœd^l
Government in that State; and make it very probable that
Georgia had actually adopted it. Some letters on the sub-
ject from N. Carolina speak a very equivocal language as to
the prospect there.

* * * * *

Th: Jefferson to M^r Rutledge

Paris Feb. 2. 1788.

[Jefferson Papers,
series 1, vol. III, No.
23. Press copy.]

* * * * *

I am glad to hear that our new constitution is pretty
sure of being accepted by states enough to [^{secure}illegible word
stricken out] the good it contains, & to meet such opposi-
tion in some others as to give us hopes it will be accomo-
dated to them by the amendment of it's most glaring faults,
particularly the want of a declaration of rights.

* * * * *

[Jefferson Papers
series 2, vol. LXXIV,
No. 47. Press copy]

Th: Jefferson to W. Smith

Paris Feb. 2. 1788.

* * * * *

I am glad to learn by letters which come down to the 20th of December that the new constitution will undoubtedly be received by a sufficiency of the states to set it a going. were I in America, I would advocate it warmly till nine should have adopted, & then as warmly take the other side to convince the remaining four that ^{they} ["it" erased] ought not to come into it till the declaration of rights is annexed to it. by this means we should secure all the good of it, & procure so respectable an opposition as would induce the accepting states to offer a bill of rights. this would be the happiest turn the thing could take. I fear much the effects of the perpetual re-eligibility of the President. but it is not thought of in America, & have therefore no prospect of a change of that article. but I own it astonishes me to find such a change wrought in the opinions of our countrymen since I left them, as that three fourths of them should be contented to live under a system which leaves to their governors the power of taking from them the trial by jury in civil cases, freedom of religion, freedom of the press, freedom of commerce, the habeas corpus laws, & of yoking them with a standing army. this is a degeneracy in the principles of liberty to which I had given four centuries instead of four years. but I hope it will all come about. we are now vibrating between too much & too little government, & the pendulum will rest finally in the middle.

John Jay to His Excellency General Washington

[Letters to Wash-
ington, vol. LXXII,
p. 325.]New York 3^d Feb^y 1788—

* * * * *

our Legislature has agreed to call a Convention—the opponents to the proposed Constitution are nevertheless numerous & indefatigable; but as the Ballance of Abilities and Property is against them, it is reasonable to expect that they will lose ground as the People become better informed: I am therefore inclined to think that the Constitution will be adopted in this State; especially if our Eastern Neighbours should generally come into the Measure—our accounts, or rather Calculations from Massachusetts are favorable, but not decisive.

Your Favor of the 20th Ult. was delivered to me this Morning. * * *

The Influence of Massachusetts on the one Hand, and of Virginia on the other, renders their Conduct on the present occasion, very interesting—I am happy that we have as yet no Reason to despair of either.—Connecticut has acceded, and the Gazettes tell us that Georgia has done the same. A few Months more will decide all Questions respecting the adoption of the proposed Constitution. I sincerely wish it may take Place, tho' less from an Idea that it will fully realize the sanguine Expectations of many of its Friends, than because it establishes some great Points, and smoothes the Way for a System more adequate to our national objects. Its Reputation & Success will I think greatly depend on the Manner in which it may at first be organized and administred—but on this head we have no Reason to despond.

* * * * *

[Madison Papers, vol. XV, p. 74. This letter, except the last sentence, was communicated by Madison to Washington, February 11: Letters to Washington, vol. LXXII, p. 75, Madison Papers, vol. IV, p. 29 copy.]

* Saml Adams

R King to James Madison Jun^r Esquire New-York

Boston Sunday 3^d Feb. 1788

I inclose a newspaper of yesterday containing the propositions communicated by M^r Hancock to the Convention, on Thursday last—M^r Adams* who contrary to his own Sentiments has been hitherto silent in convention, has given his public & explicit approbation of M^r Hancock's propositions—

We flatter ourselves that the weight of these two characters will insure our success, but the Event is not absolutely certain—yesterday a committee was appointed on the motion of a doubtful Character to consider the propositions submitted by M^r Hancock, and to report Tomorrow Afternoon—We have a Majority of Fedaralists on this Committee and flatter ourselves the result will be favorable—

P S. We shall probably decide on Thursday or Friday next, when our numbers will amount to about 363— Gerry has kept at Cambridge & our Opponents say nothing of his reinvitation—

[Madison to Hamilton. Written on the preceding letter.]

Read the above immediately & send it back by the bear who
wait for it. I shall be glad of the Newspaper in about an
Hour & an half

[Letters to Washington, vol. LXXII, p. 50.]

B Lincoln to His Excellency General Washington

Boston Feb^r 3 1788

Your Excellency will find by the papers of yesterday, which I do myself the pleasure to inclose, that the Governour has taken his seat as President of the Convention and that he came forward with a motion for the adoption of the constitution and subjoined a recommendation that some

alterations may take place in it; The motion has taken up a considerable time; those in the opposition want the constitution to be accepted upon condition that the alterations be made; this they will not be able to carry—— Yesterday noon, a motion was made that the motion under consideration should be committed. This was agreed to, and a large Committee was raised, consisting of two members from each of the large Counties, and of one for two small ones. It was also agreed that each County should nominate their own members & that they should take one who had given his opinion for, and one who had given his opinion against the constitution, in each County wherein two were chosen; I expect they will report tomorrow afternoon to which time convention stands adjourned. I hope Good will arise from the measure & that the main question will be taken by wednesday next.—

The Gentlemen in the opposition urge that the Governour's motion ought to be divided, and that the first question be taken simply "whether they will or will not accept the constitution"; They are opposed in this, and I hope the large Committee will adjust the matter and put an end to any further dispute upon the question——

We find ourselves exceedingly embarrass'd by the temper which raged the last winter in some of the Counties. Many of the insurgents are in Convention, (even some of Shay's Officers.) a great proportion of those men are high in the opposition; We could hardly expect any thing else, nor could we, I think, justly suppose that those men who were so lately intoxicated with large draughts of liberty, and who were thirsting for more would in so short a time submit to a constitution, which would further take up the reins of

government, which in their opinion were too strait before; I hope people abroad will consider this matter and make proper allowances for a clog of this kind. I think the constitution will pass.

[Letters to Washington, vol. LXXII, p. 61.]

Js Madison Jr to [George Washington]

N. York Feb^y 3^d 1788.

Another mail has arrived from Boston without terminating the conflict between our hopes and fears. I have a letter from M^r King of the 27. which after dilating somewhat on the ideas in his former letters, concludes with the following paragraph "We have avoided every question which would have shewn the division of the House. Of consequence we are not positive of the numbers on each side. By the last calculation we made on our side, we were doubtful whether we exceeded them or they us in numbers—They however say that they have a majority of eight or twelve against us.—We by no means despair."—Another letter of the same date from another member gives the following picture "Never was there an assembly in this State in possession of greater ability & information than the present Convention—yet I am in doubt whether they will approve the Constitution. There are unhappily three parties opposed to it—
1. All men who are in favour of paper money & tender laws; those are more or less in every part of the State. 2. All the late insurgents & their abettors. In the three great western Counties they are very numerous. We have in the Convention 18 or 20. who were actually in Shay's army. 3. A great majority of the members from the Province of Main. Many of them & their Constituents are only squatters upon

other people's land, and they are afraid of being brought to account. They also think though erroneously that their favorite plan, of being a separate State will be defeated. Add to these the honest doubting people, and they make a powerful host. The leaders of this Party are a M^r Wedgery, M^r Thomson, & M^r Nason from the province of Main—a Doc^r Taylor from the County of Worster & M^r Bishop from the neighbourhood of R- Island. To manage the cause agst them are the present and late Gov^r 3 Judges of the supreme Court—15 members of the Senate—20 from among the most respectable of the Clergy, 10 or 12 of the first characters at the bar, Judges of probate, High Sheriffs of Counties & many other respectable people Merchants &c—Gen^l Heath, Lincoln, Brooks & others of the late army. With all this ability in support of the cause, I am pretty well satisfied we shall lose the question, unless we can take off some of the opposition by amendmends—I do not mean such as are to be made conditions of the ratification, but recommendatory only. Upon this plan I flatter myself we [“shall” stricken out] may possibly get a majority of 12 or 15, if not more”

The Legislature of this State has voted a Convention on June 17.

G Washington to Maj^r General Knox.

Mount Vernon January 5th 1788

[Washington Papers, Letter-book 6B, p. 315. Transcript.]

A few days after my last was dispatched to you, I was favoured with rec^d of your letter of the 14th Ult^o by which, and other acc^{ts} of a more recent date, I am sorry to find that the important question under deliberation in Massachusetts,

stands on such ["a" erased] doubtful ground. The decision of that State will, unquestionably, have considerable influence on those which are to follow, especially on the one in which you now are at the same time that an unfavourable issue will strengthen the cords of dissention in others which have already decided.

What may be the final determination on this subject in Virginia is more I believe than any man can say with precision—Every one gives his own sentiment, as the sentiment of the State whilst there is no just criterion that I know of to form a decided judgement—my own opinion of the matter is as I mentioned in my last that it will certainly be received but for the reasons then assigned I may be mistaken not having been ten miles from home (my journey up the river being stopped by bad weather and a slight indisposition) since I returned from Philadelphia and not having seen but few beyond that circle except travellers and strangers whose means of information is too often defective to be relied on.

* * * * *

P. S. Pray, if it is not a secret who is the Author, or Authors of Publins?

[Washington Papers, Letter-book 6B, p. 317. Transcript.]

G^o Washington to The Hon^{ble} James Madison.

Mount Vernon February 5th 1788

* * * * *

I am sorry to find by yours, and other Acc^{ts} from Massachusetts, that the decision of its Convention (at the time of their respective dates) remained problematical—a rejection of the new form by that State would invigorate the opposition not only in New York, but in all those which are to follow at the same time this would afford materials for the

minority in such as have actually agreed to it to blow the trumpet of discord more loudly. The acceptance by a bare Majority, tho' preferable to rejection is also to be deprecated.—It is scarcely possible to form any decided opinion of the general Sentiment of the people of this State, on this point. Many have asked me with anxious Sollicitude if you did not mean to get into the Convention conceiving it of indispensable necessity. Col^o Mason (who' returned but yesterday) I am told has offered himself for Stafford County and his friends add he can be elected not only in that, but the Counties of Prince William and Fauvire also. The truth of this I know not,—I rarely go from home—and my Visitors, who for the most part are travellers and stragglers have not the best means of information.

At the time you suggested, for my consideration, the expediency of a communication of my Sentiments to any correspondent I might have in Massachusetts on the proposed Constitution, I did not recollect that General Lincoln and myself frequently interchanged letters much less did I expect that a hasty and indigested extract of which I had written, intermingled with a variety of other matters, to Col^o Charles Carter in answer to a letter I had received from him on the subject of some experiments we had made in farming—Wolves wolf dogs—Sheep—and the lord knows what else was then in the press and would bring them to public view by means of the general circulation, I find that extract has had. Altho' I never have concealed—and am perfectly regardless who becomes acquainted with my sentiments with respect to the proposed Constitution, yet nevertheless as no pains had been taken to dress the ideas, nor any reasons assigned in support of opinion, I feel myself hurt by the

publication, and informed my friend the Col^o thereof. In answer he has fully acquitted himself of the intention, but his zeal in the cause prompted him to distribute copies (under a prohibition which was disregarded) that it should not go to the press.—as you have seen the crude or rude extract as you may please to terme it, I will add no more on the Subject.

Perceiving that the Fœderalis under the signature of Publius is about to be republished I would thank you for forwarding to me three or four Copies—one of which to be bound,—and infor e of the cost.

* * * * *

[Washington Papers, Letter-book 6B, p 314. Transcript.]

G^o Washington to Jonathan Trumbull Esq^r

Mount Vernon February 5th 1788

I thank you for your obliging favor of the 9th Ult^o which came duly to hand, & congratulate with you on the adoption of the new Constitution in your State by so decided a Majority and so many respectable Characters. I wish for the same good tidings from Massachusetts but the acc^{ts} from thence are not so favourable. The decision, it is even said, is problematical; arising, as I believe 9th 10th of the opposition does, from local circumstances and sinister views,—The result of the deliberations in that State will have considerable influence on those which are to follow—especially in that of New York where I fancy the opposition to the form will be greatest.

Altho' an inhabitant of this State, I cannot speak with decision on the publick sentiment of it with respect to the proposed Constitution—my private opinion however of the matter is, that it will certainly be received but in this opinion

I may be mistaken. I have not been ten miles from home since my return to it from Philadelphia—I see few who do not live within that circle, except Travellers and strangers and these from opinions upon too slight ground to be relied on. The opponants of the Constitution are indefatigable in frabricating and circulating papers, reports &c to its prejudice whilst the friends generally content themselves with the goodness of the cause and the necessity for its adoption suppose it wants no other support.

T. Coxe to [James Madison]

[Madison Papers,
vol. XV, p. 69.]

Philad^a Feb. 6th 1788—

I trouble you with the last N^o (3) of the freeman. In the paper N. 1. signed a Pennsylvanian I have opened a regular examination of the state of the opposition here, & shall endeavour to add [^a“some” stricken out] refutation of some of the objections of the minority. Consolidation I shall of course retouch, & therefore wish any thing you meet on that Subject to be enclosed. N^o 44, & 45 of Publius are very valuable papers, I thank you much for them.

We are not entirely free from apprehensions about Massachussets, but we think we have solid ground to hope an happy issue. Things in the South are taking a pleasing turn yet no fair Measures should be omitted.

Th: Jefferson to M^r Madison

Paris Feb. 6. 1788.

[Madison Papers,
vol. XV, p. 68. Jef-
ferson Papers, series
1, vol. III, p. 26.
Press copy.]

* * * * *

I am glad to hear that the new constitution is received with favor. I sincerely wish that the 9 first conventions

may receive, & the 4. last reject it. the former will secure it finally, while the latter will oblige them to offer a declaration of rights in order to complete the union. we shall thus have all it's good, and cure it's principal defect. you will of course be so good as to continue to mark to me it's progress.

* * * * *

[Madison Papers,
vol. XV, p. 67.]

R King to James Madison Esq^r

Boston 6 Feb. 1788

I have the satisfaction to inform you that on the final Question of assenting to & ratifying the constitution our convention divided, and 187. were in the affirmative & 168 in the negative: the majority although small is extremely respectable, and the minority are in good Temper; they have the magnanimity to declare that they will devote their Lives & property to support the Government, and I have no doubt but the ratification will be very cordially and universally approved through our State—N. Hampshire will undoubtedly decide in favor of the Constitution—Their convention met Today—

[Letters to Wash-
ington, vol. LXXII,
p. 65.]

B Lincoln to His Excellency Gen^l Washington

Boston Feb^y 6^h 1788

The convention this evening ratified the [^{constitution} "convention" stricken out]. present three hundred and fifty five members One hundred & Eighty seven Yeas & one hundred & sixty eight Nays 19 majority in favor of the adoption—

As I mentioned to you in my last the spirit which operated the last winter had its influence in the appointment of mem-

bers for the convention and was a clog upon us thro' the whole business, to this source may be ascribed the great opposition we have experienced through the long debates, and the smallness of the majority. I hope the neighbouring ^{states} will consider this and not suffer it to weigh in their decisions—

Yesterday there was a motion for an adjournment which cost us the whole day. Upon the question at evening there were about 100 Majority against it. This was a damper upon the opposition and they had [“a” erased] little hope after. When, ^{this evening} the question went went against them some of the leaders arose and assured the convention that they were convinced that the debates had been conducted with fairness and candour and that they should return with dispositions to satisfy the minds of their constituents and to preserve the peace & order of the people at large. I hope and trust they will and that we shall soon enjoy the blessings of good government—

I shall continue to write to your Excellency whilst any thing relative to this great subject shall turn up here worthy your notice.

Upon the issue of the question every demonstration of joy was discovered among the people

Th: Jefferson to A. Donald esq.

Paris Feb. 7. 1788.

* * * * *

I wish with all my soul that the nine first Conventions may accept the new Constitution, because this will secure to us the good it contains, which I think great & important,

but I equally wish that the four latest conventions, whichever they be, may refuse to accede to it till a declaration of rights be annexed. this would probably command the offer of such a declaration, & thus give ^{to} the whole fabric, perhaps as much perfection as any one of that kind ever had. by a declaration of rights I mean one which shall stipulate freedom of religion, freedom of the press, freedom of commerce against monopolies, trial by juries in all cases, no suspensions of the habeas corpus, no standing armies. these are fetters against doing evil which no honest government should decline. There is another strong feature in the new constitution which I as strongly dislike. that is the perpetual re-eligibility of the President. of this I expect no amendment at present because I do not see that any body has objected to it on your side the water. but it will be productive of cruel distress to our country even in your day & mine. the importance to France & England to have our government in the hands of a Friend or a foe, will occasion their interference by money, & even by arms. our President will be of much more [^{consequence} "importance" stricken out] to them than a king of Poland. we must take care however that neither this nor any other objection to the new form produce a schism in our union. that would be an incurable evil, because ^{near} friends falling out never reunite cordially; whereas, all of us going together, we shall be sure to cure the evils of our new constitution, before they do great harm.

* * * * *

Ja^s Monroe to [James Madison][Madison Papers,
vol. XV, p. 71.]

Fredbg Feby. 7. 1788.

* * * * *

This new Constitution still engages the minds of people with some zeal among the partizans on either side. It is impossible to say which preponderates. The northern part of the State is more generally for it than the southern. In this county (except in the town) they are agnst it I believe universally. I have however this from report only, having not been from home—my late Colleague is decidedly so—M^r Page is for it & forms an exception to the above. It is said here that Georgia has adopted it, N. H. also. The object in the postponment of the^{to so late a day} meeting of our Convention \ was to furnish an evidence of the disposition of the other States to that body when it sho^d be assembled. If they \^{or many of them} were agnst it our State might mediate between contending parties & lead the way to an union more palitable to all. If all were for it let the knowledge of that circumstance have its weight in their deliberations. This I believe was the principle on w^h that measure was adopted, at least those whose sentiments I knew express'd it to be theirs—we expect you in soon & shall be happy to see you here—

G^o Washington to The Marquis de la Fayette.[Washington Papers, Letter-book 6B
p. 376. Transcript.]Mount Vernon February 7th 1788

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You appear to be, as might be expected from a real friend to this Country, anxiously concerned about its present political situation. So far as I am able I shall be happy in gratifying that friendly solicitude. As to my sentiments with respect to the merits of the new Constitution, I will

disclose them without reserve (although by passing through the Post offices they should become known to all the world) for, in truth, I have nothing to conceal on that subject. It appears to me, then, little short of a miracle, that the Delegates from so many different States (which States you know are also different from each other in their manners, circumstances and prejudices) should unite in forming a system of national Government, so little liable to well founded objections. Nor am I yet such an enthusiastic, partial or indiscriminating admirer of it, as not to perceive it is tinged with some real (though not radical) defects. The limits of a letter would not suffer me to go fully into an examination of them; nor would the discussion be entertaining or profitable. I therefore forbear to touch upon it. With regard to the two great points (the pivots on which the whole machine must move) my Creed is simply:—

1st That the general Government is not invested with more Powers than are indispensably necessary to perform ^{the} functions of a good Government; and, consequently, that no objection ought to be made against the quantity of Power delegated to it:

2^{ly} That these Powers (as the appointment of all Rulers will forever arise from, and, at short stated intervals, recur to the free suffrage of the People) are so distributed among the Legislative, Executive, and Judicial Branches, into which the general Government is arranged, that it can never be in danger of degenerating into a monarchy, an Oligarchy, an Aristocracy, or any other despotic or oppressive form; so long as there shall remain any virtue in the body of the People.

I would not be understood my dear Marquis to to speak of consequences which may be produced, in the revolution of ages, by corruption of morals, profligacy of manners, and listlessness for the preservation of the natural and inalienable rights of mankind; nor of the successful usurpations that may be established at such an unpropitious juncture, upon the ruins of liberty, however providently guarded and secured, as these are contingencies against which no human prudence can effectually provide. It will at least be a recommendation to the proposed Constitution that it is provided with more checks and barriers against the introduction of Tyranny, & those of a nature less liable to be surmounted, than any Government hitherto instituted among mortals, hath possessed. we are not to expect perfection in this world: but mankind, in modern times, have apparently made some progress in the science of Government.—Should that which is now offered to the People of America, be found on experiment less perfect than it can be made—a Constitutional door is left open for its amelioration. Some respectable characters have wished that the States, after having pointed out whatever alterations and amendments may be judged necessary, would appoint another federal Convention to modify it upon those documents. For myself I have wondered that sensible men should not see the impracticability of the scheme. The members would go fortified with such Instructions that nothing but discordant ideas could prevail. Had I but slightly suspected (at the time when the late Convention was in session) that another Convention would not be likely to agree upon a better form of Government, I should now be confirmed in the fixed belief that they would not be able to agree upon any System what-

ever:—So many, I may add, such contradictory, and, in my opinion, unfounded objections have been urged against the System in contemplation; many of which would operate equally against every efficient Government that might be proposed. I will only add, as a farther opinion founded on the maturest deliberation, that there is no alternative—no hope of alteration—no intermediate resting place—between the adoption of this and a recurrence to an unqualified state of Anarchy, with all its deplorable consequences.

Since I had the pleasure of writing to you last, no material alteration in the political State of affairs has taken place to change the prospect of the Constitution's being adopted by nine States or more. Pennsylvania, Delaware, Jersey and Connecticut have already done it. It is also said Georgia has acceded. Massachusetts, which is perhaps thought to be rather more doubtful than when I last addressed you, is now in Convention.

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[Washington Papers, Letter-book 6B, p. 320. Transcript.]

G^o Washington to The Chev^r de la Luzerne.

Mount Vernon February 7th 1788

* * * * *

You will doubtless have seen long before this time the Constitution which was proposed by the Fæderal Convention for the United States. Only four States as yet (to my knowledge) have [^{had} "an" stricken out] an opportunity of acting upon it. The Pensylvania State Convention adopted it by a Majority of two to one, those of Jersey and Delaware Unanimously, and that of Connecticut by more than three to one; In Massachusetts the Convention is now in session.

The Merits of this Constitution have been discussed in a great variety of news paper and other Publications. A periodical Essay in the New York Gazette, under Title of the Federalist, has advocated it with great ability. In short it seems (so far as I have been able to learn) to be a prevalent opinion that it will be accepted by nine States or more by some period early in the ensuing summer.

J^s Madison Jr. to [George Washington]

New York Feb^y 8 -88

[Letters to Washington, vol. LXXII, p. 67. Madison Papers, vol. IV, p. 28 Copy.]

The prospect in Mass^{ts} seems to brighten, if I view in the true light the following representation of it. "This day, (Jan^y. 30) for the first our President M^r Hancock took his seat in Convention, and we shall probably terminate our business on saturday or tuesday next. I can not predict the issue, but our hopes are increasing. If M^r Hancock does not disappoint our present expectations, our wishes will be gratified." Several reflections are suggested by this paragraph which countenance a favorable inference from it. I hope from the rapid advance towards a conclusion of the business, that even the project of recommendatory alterations has been dispensed with.

The form of the ratification of Georgia is contained in one of the papers herewith inclosed. Every information from S. Carolina continues to be favorable. I have seen a letter from N. Carolina of pretty late date which admits that a very formidable opposition exists, but leans towards a foederal result in that State. As far as I can discover, the state of the question in N- Carolina, is pretty analogous to that in Virginia. The body of the people are better disposed than

some of a superior order. The Resolutions of New-York for calling [^a"the" stricken out] Convention, appear by the paper to have passed by a majority of two only in the House of Assembly. I am told this proceeded in some degree from an injudicious form in which the business was conducted; and which threw some of the federalists into the opposition.

I am just informed by a gentleman who has seen another letter from Boston of the same date with mine, that the plan of recommendatory alterations has not been abandoned, but ^{that} they will be put into a harmless form, and will be the means of saving the Constitution from all risk in Mass^{ts}

[Letters to Washington, vol. LXXII, p. 71.]

B Lincoln to His Excellency General Washington.

Boston Feb^y 9^h 1788

In my last I had the pleasure of announcing to your Excellency that we had adopted the reported constitution. Nothing very material has taken place since saving what is mentioned in the enclosed paper by that you will learn what was the temper of many of those who had been in the opposition I think they discovered a candour which does them honor and promises quiet in the State. Some however will I fear sow the seeds of discontent and attempt to inflame the minds of the people in the country—They have no really object as they cannot be certain it will ever pass nine State I hope and trust this consideration will quiet them at present when it shall have passed nine State it will be to ^olate for any one State to think of opposing it. [^]

Considering the great disorders which took place in this State the last winter, and considering the great influence the spirit which then reigned has had since upon all our opera-

tions it must be supposed that we have got through this business pretty well and considering also that when we came together a very decided majority of the convention were against adopting the constitution. Every exertion will be made to inform the people & to quiet their minds. It is very fortunate for us that the Clergy are ^{pretty} generally with us they have in this State a very great influence over the people and they will contribute much to the general peace and happiness

Subscription papers are out for printing all the debates in the convention they will probably be printed if they are I will forward to your Excell^y one of the books—Should they not I will forward the remaining news papers as they come out—

By the paper your Excellency will observe some account of the parade of the Eighth the printer had by no means time eno to do justice to the subject To give you some idea how far he has been deficient I will mention an observation I heard made by a Lady the last evening who saw the whole that the description in the paper would no more compare with the original than the light of the faintest star would with that of the Sun fortunately for us the whole ended without the least disorder and the town during the whole evening was, so far as I could observe perfectly quiet.

[“The Gentlemen provided at Faneul Hall some biscuit & cheese four q^r Casks of wine three barrels & two hog^s of punch the moment they found that the people had drank sufficiently means were taken to upset the two hog^s punch this being done the company dispersed and the day ended most agreeably” stricken out]

P. S Upon a review of the last paragraph I think^{it} of
little importance have therefore X it out.

Letters to Wash-
ington, vol LXXII,
p. 152

C. Gibbs to His Excellency General Washington &^c &^c &^c
Boston Feb^y 9th 1788.

It is with infinite satisfaction that I take the earliest opportunity of Informing your Excellency that on the 6th Inst^t at evening the Convention of this Common Wealth, Assented to & Ratified the proposed Constitution for the United States—

It gives all ranks of people great pleasure, thus to see a glimmer of a hope that this Country is in a fair way of appearing respectable both at home and abroad by the Establishment of a government wherein Justice & Energy presides; I have done myself the honor of transmitting your Excellency the best newspapers in this Capital which contains allmost all the debates of the Convention but it was impossible to obtain the whole. There is a subscription on foot to have the whole in a pamphlet if it is accomplished I will endeavour to forward one to your Excellency. The Minority your Excellency will please to observe by the last paper seem to be easy & Con[“e” written upon “s”]ilatory. it was said by many of them on the day of Ratification at the Senate Chamber, that If the vote was to be reconsidered & Cast again there would be but few against the adoption of the Constitution—It would take more time than the post would^{allow} me to give you an account of the whole of the characters of the Minority, but thus much I will say that a large proportion of them of the Eastern Counties of Lincoln, Cumberland & York (or province of main) who have for these several years been Endeavouring to bring about a seperation

from this Common Wealth, Others of the Western & Southern Counties of whom more than twenty have this moment a State Warrant against them for being some of the foremost in the last Winters Rebellion, & Principal part of the remainder are Insurgents & some of the most atrocious Characters in existence—This is real fact, that very few of them are men of very little property & very much in debt & wish only to oppose the Constitution, because if not adopted, they may have it in their power to pass tender Acts, & emit paper money to pay a Just debt they owe in Specie. Gen^l Warren who was Pay. M^r Gen^l in 76. is one of the greatest antifederalists we have among us, but he could not obtain to get his Election for Convention. he acts like the snake in the grass. N. Hampshire Convention meets on Tuesday next. I had the pleasure to see the Hon^{ble} M^r Langdon who attended several days at our Convention & he told me that If Massachu^{ts} adopted the Constitution, N. Hampshire would not be one week in session. Some of the principal ^{gentlemen} of Newport, & Providence have been attending the debates here, & they said the same a M^r Langdon did, that is, A Convention they were Certain would be called immediately & no doubt but the Constitution would be adopted. I cannot write your Excellency as full as what the papers will Communicate & by Comparcing those in the opposition especially those who debated on the Constitution, you will see the Characters I have alluded to. Those are the feeble speakers of the Rabble. I shall be happy to hear from your Excellency after receipt of this & any thing in my power to Communicate worth notice I shall endeavour to forward

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Mr Hancock's Indisposition was such as prevented his attendance in the early part of the Convention, but fortunately he recovered so much as to be in the house a week or more previous to the great question, & many of our ablest politicians say if he had not been well enough to ^{have} come out & appeared in Convention, it was more than probable the important question would have been lost—

Madison Papers,
vol. XV, p. 72.]

[Reverend] J Madison to [James Madison]

Williamsb^g Feb^y 9. 1788—

I should, my dear Friend, have acknowledged ye Fav^r of your last, long before this, had my Answer been as little delayed, as the satisfaction rece^d from it, was sincere: but as I always write to you, rather to get your Observations upon political subjects, than for ye sake of communicating my own, I have been unwilling to impose that Burthen too frequently upon you. Your Answer, tended greatly to satisfy some of my Doubts—whilst those valuable Papers (ye Federalist) w^h are generally attributed to you, have well nigh worked a Conversion. Whoever may be ye Author of them, they are certainly well written, as far at least as I have seen them, & well calculated to promote ye great Object in View. They must be read with [^{much} "great" stricken out] Pleasure & Advantage by every one who wishes to examine ye Subject with Candour.

But I fear, a Question of some Importance still remains, even admitting that ye Gov^t proposed, would, if adopted & conformed to, be productive of ye Advantages expected.—["or be ye best for ye Amⁿ States." stricken out] Is it, in reality practicable?—You will say, Nothing but

Experience can solve such a Question; and that, if it be ye best, it should at all Events be tried—I agree with you—But we may still reflect upon ye Consequences which will probably attend the Adoption of it. It's Execution, or it's Operation requires sacrifices, w^h I [^{suspect} “fear” stricken out] our State Legislatures, & that of Virg^d in particular, will never be willing to make. For when has ye Legislature of this State failed evincing, as ye Opp^r presented itself, Principles directly the reverse of those w^h ye proposed Gov^t requires. It's Conduct during ye last Session, with Respect to ye Treaty, (notwithstanding ye plain & sensible Address from Congress upon that subject, & notwithstanding ye Impropriety of an Interference must occur, one w^d think, to every Man of common Sense, I do not say to those ye best versed in the Laws of Nations)—too plainly shews a Degre of anti-federal Spirit, w^h will not easily be assimilated to ye new Gov^t. Other Instances of ye same Nature might easily ^{be} given as Proofs of ye real Existence of this Spirit. The Love of Power is too great, ye supposed Importance of an independent Legislator is too flattering to most, to admit of ye least voluntary Diminution.—Nor is it improbable, but that ye same Spirit exists in most of ye other States, because it originates from Principles common to Amⁿ—Viz—ye highest Idea of ye independent Sovereignty of their own States—& at ye same Time, ye Desire of enjoying all the Advantages of Gov^t at ye least possible Expence to Natural Liberty. Whether ye new Gov^t can, in it's Operation, controul suff^{ly} this Spirit, you are the best Judge. But that no Gov^t can be durable w^h is not perfectly conformable to ye Genius of ye People, unless it be supported by Force, is plain, and whether this under Consideration will not meet with such opposition from ye

Reaction Jealousy of ye State Legislatures, & from the Parties it will have to struggle with, in its very Infancy—as to render it impracticable, or of short Duration—is perhaps a Problem not unworthy of [“solution” stricken out] the Attention of a Philosopher. The Imperium in imperio will be the fruitful Source of a thousand jarring Principles, w^{ch} will make ye new Machine, notwithstanding all ye Oil you can give it, to go heavily along.

Whether Virg^a will adopt ye Plan, [^{if she be not} “unless in” stricken out] in some Measure compelled by ye previous Adoption of ye other States, is considered as questionable, especially unless there be tack’d to it, some Clause of Amendment. How ye Majority may be—is hard or impossible to determine. The opposite Parties however, greatly to their Credit, have hitherto observed ye Line of candid Discension. None of those acrimonious Principles have yet appeared w^h generally agitate a People, when Questions of such Importance create Divisions.—It is hoped by all, that you will be in ye Convention. The Att^y Gen. will represent this Town.

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[Madison Papers,
vol. XV. p. 74.]

Ed. Carrington to J. Madison Esq^r

Manchester Feb^y 10th 1788

Since my last from Richmond I have made a circuit, through Cumberland Powhatan & Chesterfield, and taking Petersburg in my way arrived here last ev’ning—the state of the ice is such as renders the passage of the River unsafe—a Canoe with difficulty makes its way through the Falls and by that means my letters from the post office have today got to me—amongst them I am favoured with

yours of the 11th 15th & 25 Ult. inclosing sundry papers & letters for which be pleased to accept my most grateful Thanks.

My Ronte has been pretty much within the Neighbourhood of M^r Henry, and I find his politics to have been so industriously propagated, that the people are much disposed to be his blind followers—as an evidence of it [^{the demagogues in the} “those in the” stricken out] opposition suppose that their popularity is increased in proportion to the loudness of their clamours, whilst the Friends to the constitution thinks it prudent to suppress their opinions, or at least to advance them with Caution. without consulting the extent of my influence, or the dangers of facing the Torrent, I have thought it my duty to make an unequivocal declaration of my sentiments, and if my efforts can work a change in even a single man, you may rely upon that change being made—my drift will be, principally, to turn the elections upon men of discernment and to bring about instructions upon the point of preserving the Union, which must, at a certain stage, separate the members from M^r Henry—I can not find that he has ever once specified the amendments he would have in the project, it is therefore fairly to be concluded, that his views are a dismemberment of the Union, & I do verily believe this to be the case. I have seen M^r Ronald—his opinions are extremely mysterious, his objections are made in terms that would be taken for absolute in all events, yet he is alarmed at the probable extent of M^r Henries views, & professes a determination to do nothing which may even endanger the Union. Judge Fleming is a candidate for Powhatan, and is earnestly for amendments, but assures me he thinks the Union ought in no degree to ^{be} hazarded—he is one of the Characters whom

I am for trusting in the convention. the danger there, is from weak men, ["and" stricken out] whatever may be the professions of such, before they assemble there, is no accounting for the effects ^{which} M^r Henries address and Rhetoric may have upon them afterwards—in Chesterfield Tucker & Baker are Candidates, and both against the constitution—the former is for going equal lengths with M^r H—but with different views—he is unfortunately one of those who overrate the importance of Virg^a and think she may dictate to the whole union. it happens that some of the most popular men in the County are against both these Gentlemen in opinion & will oppose their election unless they alter their sentiments. From the more southern Counties I have as yet received no satisfactory information. of this however I am pretty certain, that the doctrine of amendments has taken such strong ground, that the direct adoption of the Constitution cannot be well expected should less than Nine States have adopted when our Convention comes to sit—Ideas of the necessity of preserving the Union are however so prevalent, that I think M^r H—will be able draw but a small proportion of a discerning convention in opposition to that Number.

Your intelligence from Massachusetts is truly alarming because she is one of the Nine whose adoption can be counted upon by June—indeed she is so important that even against Nine she & Virg^a would be able, if not to prevent the ["operation" ^{effects} stricken out] of the Government altogether, to hold it in suspense longer than the state of our affairs can well admit of. I am anxious to know the result in Massachusetts for on her every thing seems to depend—as to N. York her uniform opposition to every federal interest, for several years, gives us every reason to expect her dissent

even to the calling a convention—the letter of her dissenting deputies is perfectly in conformity with the views of their Mission. should reason and common sense have fair play in our convention the dissensions amongst the opponents in different quarters must operate as the strongest arguments that can be brought in support of the project which has received the unanimous vote of a large & respectable assembly.

I have lately seen a Gentleman who removed from my Neighbourhood ^{to N^o Carolina} and is intelligent.—He came directly from the Assembly—He says the postponement of the convention in that State by no means indicates a disposition to follow the politics of Virg^a—on the contrary there is a decided opinion in favor of the Constitution—as an evidence of it, Willy Jones an opponent declines going into the Convention seeing that his opposition will be unavailing, and Allan Jones who is of the contrary party is to be a Member.—Davie—Williamson—& Johnson, all for the Constitution.

I shall do myself the pleasure to communicate to you from time to time the intelligence which events shall afford, and will thank you for such as may arise in your quarter—

Dan^l Carroll to [James Madison]

Rock Creek near George Town Feby 10th 88

[Madison Papers
vol. XV. p. 73.]

On my Brother's returning from N. York he inform'd me, that you had left that City for Ph^a, in yr way to Virg^a—I was at Annapolis, and had just then wrote you the proceedings in Assembly respecting the federal Constitution—Not knowing how to forward it to you with safety, must account for my Silence, untill this moment when I am inform'd by a

Letter from my Brother, that you are in N. York; Indeed it is chiefly to account for this Silence, that I take up my pen—My situation, and the severity of the weather, have secluded me almost from the World, since my return from Annapolis—It is therefore not in my power to give you any information to be depended^{on}—I can only say with some degree of probability, that the plan of the Antifed^{ls} in this State, does not extend so far, as to obtain a rejection of y^e propos'd Constituⁿ by our Convention on its meeting; their force will probably be exerted to adjourn untill the Convention of Virginia has decided—Was I to venture an opinion on this occasion, it [“wou’d” stricken out] is, that they will not succeed—If New York Assembly appoint a Convention, and Massachusetts have adopted the Constitution there will be less doubt. Some of the publications of the Antifederalists give strong proofs of a great degree of depravity prevailing, & Some things in a few of the federal publications respecting the Conduct of Individuals had in my opinion better have been omitted—

Alltho’ you cannot at present expect any material information from^{me} respecting this State, I will not omit giving it when in my power—The^{time} approaches when the parties will muster their forces—I hear nothing to be depended^{on} respecting N C. S C. & G^a. You can afford me the most certain intelligence, & I beg it of you, not only as to the probable issue, but when their Conventions are to meet—

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H Knox to His Excellency General Washington

[Letters to Wash-
ington, vol. LXXII,
p. 73.]

New York 10 February 1788

I thank you my dear Sir for your favor of the 10th of last month which I duly received.

The constitution has labored in Massachusetts exceedingly more than was expected. The opposition has not arisen from a consideration of the merits or demerits of the thing itself, as a political machine, but from a deadly principle levelled at the existence of all government whatever—; The principles of insurgency expanded, and deriving fresh strength and life from the impunity with which the rebellion of last year was suffered to escape.

It is a singular circumstance that in Massachusetts, the property, the abilities and the virtue of the state are almost solely in favor of the constitution. Opposed to it are the late insurgents and all those who abetted their designs constituting ⁴_{ths} of the opposition—a few very few indeed well meaning people are joined to them

The friends of the constitution in that state without ^roverating their own importance conceived that the decision of Massachusetts would most probably seal the fate of the proposition. They therefore proceeded most cautiously and wisely—debated every objection with the most guarded good nature and candor but took no questions on the several paragraphs and thereby prevented the establishment of parties. This conduct has been attended with the most beneficial consequences. It is now no secret that on the opening of the conventions a majority were prejudiced against it. But the federalists are now well assured that the scale is turned in their favor. The question to approve and ratify in ^{the} form contained in the enclosed papers was most probably taken

somewhere between the 5th & 8^h instant—Although the federalists presume on a majority they do not flatter themselves with a large one. The recommendatory alterations are to be considered as conciliatory propositions, and in no degree militating with an unconditional adoption. As the form of ratification, and the propositions for alterations were the mature productions of the federalists, it is probable that they will pass without any material alterations.

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Mr Sam^l Adams seconded Mr Hancocks motion.

[Washington Papers, Letter-book 6B, p. 331. Transcript.]

G^o Washington to The Hon^{ble} Gen^l Lincoln

Mount Vernon February 11th 1788

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I thank you my dear Sir, for the information which you forwarded me of the proceedings of your Convention. It is unhappy that a matter of such high importance cannot be discussed with that candour and moderation which would throw light on the subject and place its merits in a proper point of view:—but in an assembly so large as your Convention must be and composed of such various and opposite characters, it is almost impossible but that some things will occur which would rouse the passions of the most moderate man on earth—It is however, to be hoped that your final decision will be agreeable to the wishes of good men and favourable to the Constitution.

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B. Franklin to M^r Charles VaughanPhilad^a Feb. 12. 1788[Franklin Papers,
vol. VIII, p. 1856.
Press copy.]

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Your Friends here, and particularly myself are much oblig'd by your Accounts of the Proceedings of the Convention. The Opposition given, more or less, in every State, to the propos'd Constitution, from a Jealousy of Power, strengthens an Opinion of mine, that America is too enlighten'd to be enslav'd, and that the Happiness of its People is less in danger from an Excess of Power in the Governors, than from the Defect of due Obedience, even to their own good Laws, in the Governed.

Th: Jefferson to M. Dumas.

Paris Feb. 12. 1788.

[Jefferson Papers,
series 1, vol. III, No
38. Press copy.]

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with respect to the new government, 9. or 10. states will probably have accepted it by the end of this month. the others may oppose it. Virginia I think will be of this number. besides other objections of less moment, she will insist on annexing a bill of rights to the new constitution, i. e. a bill wherein the government shall declare that 1. Religion shall be free. 2. Printing presses free. 3. trials by jury preserved in all cases. 4. no monopolies in commerce. 5. no standing army. upon receiving this bill of rights, she will probably depart from her other objections; & this bill is so much of the interest of all the states that I presume they will offer ^{it}, and thus our constitution be amended and our union closed by the end of the present year. in this way there will have been opposition enough to do good, & not enough to do harm. I have such reliance

on the good sense of the body of the people and the honesty of their leaders, that I am not afraid of their letting things go wrong to any length in any case.

The Papers of the Continental Congress, No. 81, vol. VI, p. 505. Also No. 104, vol. VI, p. 384. [Transcript.]

John Adams to His Excellency John Jay Secretary of State

&c &c

Grosvenor Square Feb. 14. 1788

* * * * *

At the last Conferences at White-hall which were last Thursday, Lord Carmarthen thought proper to express a Wish that this Country had some sort of Treaty of Commerce with the United States of America, that it might be no longer necessary to take new Measures from time to time, which looked hard. This observation his Lordship made alluding to Mr Grenvilles Motion in the House of Commons, for making the Regulation of the Intercourse between America and the West India Islands, perpetual. His Lordship then, immediately said, "I presume M^r Adams "that the States will all immediately adopt the new Constitution. I have read it with Pleasure. it is very well drawn "up." All this oracular Utterance, was to signify to me what has all along been insinuated, that there is ["yet" ^{as yet any} stricken out] not national Government; but that as soon as there shall be one, the British Court will vouchsafe to treat with it.—You will see by the Morning Chronicle of the 12 of Feb. inclosed that M^r Grenville's speech is in the same strain: so that we may conclude it to be the concerted Language of the Cabinet,—it is unnecessary for me to make any Reflections upon it. The Argument that arises out of it, in favour of the new Constitution and a prompt Acceptance of it, is but

one among many.—France and Holland furnish as many Reasons as England. M^r Jefferson must soon follow my Example and return to America, if that Constitution is not accepted by all the States: and what will be the Consequence of the Clamours of all the officers in France, who are Creditors,; of all the Notables who may be pleased to cast Reflections,; and of all our Creditors in Holland; for want of Payment of Interest and Principal as they become due, must be left to every American Citizen seriously to consider.

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B:[enjamin] H:[awkins] to M^r Madison

[Madison Papers,
vol. XV p. 77.]

Warrenton 14th Feb^y 1788.

A neighbour of mine who is a Wheelwright called last sunday to see me; he told me he had been reading for some days past the New-Constitution, and Richard Henry Lee's letter, and he wished me to answer him some questions. They were the following literally

Is M^r Lee thought to be a great man?

Is he not a proud passionate man?

Was he one of the Convention?

Could it be from Ignorance or design that he declares Virginia has but a thirteenth vote in the election of a president. For I who am illiterate saw at the first reading he was rong?

Is he fond of popularity?

Is he an enemy to General Washington and Doer Franklin?

I informed you from Tarborough, of the time ["of" stricken out] appointed for the election ["and meeting" stricken out], and meeting of of our Convention. " ["Since

which very little has" stricken out] I believe the Constitution is daily gaining friends, as far as I have been able to know, it is certain,["ly" erased] that the honest part of the community whether merchants or planters, are for it. People in debt, and of dishonesty and cunning in their transactions are against it, this will apply universally to those of this class who have been members of the legislature. If you or our friend M^r Jefferson should publish any thing upon it, I wish you would send it to me, this you can readily do by the post to Petersburg.—Address to me in Warrenton via Petersburg.

[Letters to Washington, vol. LXXII, p. 80]

H Knox to His Excellency Gen^l Washington

New York 14th February 1788.

It is with great satisfaction that I inform you that last evening the news arrived here of the adoption of the new constitution in Massachusetts on the 6th instant. The numbers present in the convention on the decision of the question 355.—187 affirmatives 168 negatives—majority 19.

It may be asserted with great truth, that the subject was most candidly examined and debated. Many of the minority declared their determination of inculcating the principles of acquiescence, and union, among their constituents

The opposition arose from local causes, which existed previously to the convention of Philadelphia in May and is to be classed under the following heads.

- 1st The part of the insurgent interest who oppose every species of government, that may prevent their return to great Britain. The persons who influence the insurgents, have been fixed on this point, and con-

sider the constitution, as the greatest obstacle to the accomplishment of their wishes.

2. Desperate debtors who are warmly attached to paper-money and tender Laws.
3. Honest men, without information, whose minds are apprehensive of danger to their liberties, but like people groping in the dark, they possess, no principle whereby to ascertain the quality, degree or nearness of the danger. Their suspicions render them incapable of conviction.

The 1st and 2^d classes constitute probably $\frac{8}{10}$ ths of the opposition in the convention of Massachusetts. 45 members were present from the Province of main 25 of whom voted for the constitution.

I enclose a news paper containing a description of the demonstrations of Joy by the people of Boston on the occasion

There is not a doubt but that the Majority will be perfectly efficient within the State of Massachusetts. But the example to the other States particularly to this, will not be so influential as if the majority had been larger

The Convention of New Hampshire assembled yesterday. About 20 days hence I hope to have the pleasure of informing you of the adoption of the constitution in that State.

J^r Madison Jr to Gen^l Washington

New York Feb^y 15. 1788.

[Madison Papers,
vol IV, p. 30. Copy.]

I have at length the pleasure to inclose you the favorable result of the Convention at Boston. The amendments are a blemish, but are in the least offensive form. The minority

also is very disagreeably large, but the temper of it is some atonement. I am assured by M^r King that the leaders of it as well as the members of it in general are in good humor; and will countenance no irregular opposition there or elsewhere. The Convention of New Hampshire is now sitting. There seems to be no question that the issue there will add a seventh pillar, as the phrase now is, to the fœderal Temple.

Franklin Papers
v. VIII p. 186v
Copy J

[Benjamin Franklin] to M. Le Veillard at Passy

Philad^a [“Ap^l 22.” stricken out] ^{Feb^r 17th} 1788

* * * * *

“I sent you with my last a Copy of the new Constitution propos’d for the United States by the late General Convention. I sent one also to our excellent Friend the Duke de la Rochefoucault.

I attended the Business of the Convention faithfully for four Months. Enclos’d you have the last speech I made in it.—Six States have already adopted the Constitution and there is now little Doubt of its being accepted by a sufficient number to carry it into execution, if not immediately by the Whole.—It has however met with great Opposition in some ^{of the} States; for we are at present a Nation of Politicians. And though there is a general dread of giving too much Power to our Governors, I think we are more in danger from too little Obedience in the governed.”

* * * * *

Ja^s Gordon Jun to [James Madison]

[Madison Papers,
vol. XV p. 78.]

February 17th 1788

Being fav^d by Col^o Monroe with a sight of your letter of the 27 January and finding no mention therein of your being in our county in a short time, take the Liberty as y^r Friend to solicit your attendance at march Orange court—I am induced to make such a request as I believe it will give the county in general great satisfaction to hear your sentiments on the new Constitution—

Your Friends are very solicitous for your appointment in the convention to meet in June next—I trust were it not practicable for you to attend your election will be secured, but your ^{being} present would not admit a doubt—Col^o Thomas Barbour, M^r Charles Porter & myself enter the list with you the two former gentlemen ^{are} exceedingly averse to the adoption of the constitution in this state and being acquainted with them you will readily determine, no means in their power will be wanting to procure a seat in convention—The sentiments of the people of Orange are much divided the best men in my judgement are for the constitution but several of those who have much weight with the people are opposed, Parson Bledsoe & Leeland with Col^o Z. Burnley—upon the whole sir I think it is incumbent on you with out delay, to repair to this state; as the loss of the constitution in this state may involve consequences the most alarming to every citizen of America.

[Letters to Wash-
ington, vol. LXXII,
p. 82.]

David Stuart to General Washington M^r Vernon

Abingdon 17th Feb^r -88—

* * * * *

I have just returned from a tour round part of the County—I mean about the middle of the week to set out again—I find that Pope, and Chichester in particular, have been very active in alarming the people. The latter Gentleman and myself were near meeting at several houses. He had his pockets full of Mason's objections; which he leaves wherever he calls. He is trying to persuade some one opposed to the Constitution, to offer for the Convention. M^r Pollard informed me that he applied to him, but that he declined it. I am happy to find, that he has ["not" stricken out] met with no success except with old Broadwater. M^r Little informs me, that he appears to be changed, and to be disposed to offer himself, in opposition to those who approve of the Constitution. I almost think that Mason, doubtful of his election in Stafford will offer for this County, notwithstanding his declarations. I think he might have been satisfied with the publication of his objections, without taking the pains to lodge them at every house. I find it currently believed in this County, that you consider amendments necessary. It therefore appears to me, that it would be of advantage to the Constitution, to undeceive the people in this respect; by some communication or other. Would not M^r Blair your fellow labourer in the business, be a proper person, through whom to introduce it to the Publick? If you should think proper to take any step of this sort, it would be particularly useful, to take some short notice of the difference between the Objectors. I find this argument to have the most weight with the common class.

J Dawson to [James Madison]

[Madison Papers,
vol. XV, p. 79.]Frdksburg, Feb^y 18. 1788.

It is now several months since I was honord with a letter from you—during the recess of Congress, while your attention was not closely confin'd to public business, and while the situation of the Union must have furnishd you with daily information which woud have been interesting to you, I flatterd myself you woud not have neglected your friend—

The approaching elections are the subject of general conversation in this state at this time, and uncommon exertions are made by all parties to have elected those persons whose sentiments agree with their own—in Orange I am inform'd there are three candadates, besides yourself, and that the election is very doubtful, as two of the Gentlemen, Barber and Porter, have declard their opposition to the proposd Government—I must therefore join your other friends and entreat your attendance at the election—M^r Mason will probably be returnd for Stafford, as the people have signd a petition and sent it to him, requesting his services—he is however warmly opposd by Colo Carter and M^r Fitzhugh—there is scarce a doubt but M^r Randolph will be elected in Henrico, altho “the plain Dealer” thinks he ought not to be, as you will observe by the enclosd Paper—M^r Jones offers for King George—his election is doubtful—in this county the candadates are Gen^l Spotswood, M^r Page M^r Monroe and my self—it is impossible to say who will be elected—the contest will probably be between the three last mentiond— Never perhaps was a state more divided than Virginia is on the new Constitution—its fate appears to hang in a great measure on the decision of Massachusetts bay—shoud the convention of that state adjourn without

doing any thing decisive, or should amendments be proposed, I think, Virginia will go hand in hand with her—should she adopt, I cannot say what will be done—but should nine states agree to it in toto, I apprehend there will be a decided majority in this state for accepting^{it}—whatever the event may be I sincerely pray that my countrymen may act with moderation, altho I very much doubt it, and that they may weigh the the subject with that coolness and impartiality, which its importance requires—

[Madison Papers,
vol. IV, p. 31.]

Js. Madison Jr to M^r Jefferson

New York Feb^y 19. 1788

* * * * *

The Public here continues to be much agitated by the proposed fœderal Constitution and to be attentive to little else. At the date of my last Delaware Pennsylvania and New Jersey had adopted it. It has been since adopted by Connecticut, Georgia, and Massachussetts. In the first the minority consisted of 40 against 127. In Georgia the adoption was unanimous. In Massachussetts the conflict was tedious and the event extremely doubtful. On the final question the vote stood 187 against 168; a majority of 19 only being in favor of the Constitution. The prevailing party comprized however all the men of abilities, of property, and of ["p" stricken out] influence. In the opposite multitude there was not a single character capable of uniting their wills or directing their measures. It was made up partly of deputies from the province of Maine who apprehended difficulties from the New Government to their scheme of separation, partly of men who had espoused the

disaffection of Shay's; and partly of ignorant and jealous men, who had been taught ["that" stricken out] or had fancied that the Convention at Philad^a had entered into a conspiracy against the liberties of the people at large, in order to erect an aristocracy for the rich the well-born, and the men of Education. They had no plan whatever. They looked no farther than to put a negative on the Constitution and return home. The amendments as recommended by the Convention, were as I am well informed not so much calculated for the minority in the Convention, on whom they had little effect, as for the people of the State. You will find the amendments in the Newspapers which are sent from the Office of foreign Affairs. It appears from a variety of circumstances that disappointment had produced no asperity in the minority, and that they will probably not only acquiesce in the event, but endeavour to reconcile their constituents to it. This was the declaration of several who were called the ^{public} leaders of the party. The minority of Connecticut behaved with equal moderation. That of Pennsylvania has been extremely intemperate and continues to use a very bold and menacing language. Had the decision in Massachussetts been adverse to the Constitution, it is not improbable that some very violent measures would have followed in that State. The cause of the inflammation however is much more in their State factions, than in the ["plan" stricken out] system proposed by the Convention. New Hampshire is now deliberating on the Constitution. It is generally understood that an adoption is a matter of certainty. South Carolina & Maryland have fixed on ^{April or} May for their Conventions. The former it is currently said will be one of the ratifying States. M^r Chace and a few others will raise a

considerable opposition in the latter. But the weight of personal influence is on the side of the Constitution, and the present expectation is that the opposition will be outnumbered by a great majority. This State is much divided in its sentiment. ^{Its Convention is to be held in June} The decision of Mass^{ts} will give the turn in favor of the Constitution unless an idea should prevail or the fact should appear, that the voice of the State is opposed to the result of its Convention. North Carolina has put off her Convention till July.* The State is much divided it is said. The temper of Virginia, as far as I can learn, has undergone but little change of late. At first there was an enthusiasm for the Constitution. The tide next took a sudden and strong turn in the opposite direction. The influence and exertions of M^r Henry, and Col. Mason and some others will account for this. Subsequent information again represented the Constitution as regaining in some degree its lost ground. The people at large have been uniformly said to be more friendly to the Constitution than the Assembly. But it is probable that the dispersion of the latter will have a considerable influence on the opinions of the former. The previous adoption of nine States ["will have" stricken out] must have a very persuasive effect on the minds of the opposition, though I am told that a very bold language is held by M^r H-y and some of his partizans. Great stress is laid on the self-sufficiency of that State; and the prospect of external props is alluded to.

Congress have done no business of consequence yet; nor is it probable that much more of any sort will precede the event of the great question before the Public.

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*see letter from Col: Davie to J. M.

John Armstrong to Gen^l Washington. Mount Vernon

[Letters to Washington, vol. LXXII, p. 87.]

Carlisle 20th Feb^y 1788—

As a Citizen of the united States, I always consider my Self your debtor, and the annual tribute of a short letter, the smallest remittance we can well conceive. It is perhaps more than a year past since I took the liberty of telling you, that however attatched to retirement & rural life, you must suffer a little more interruption to domestick enjoyments & give some more attention to the suffrages of y^r countrymen in publick employ. this you see Sir, has proved true, and the same object & same motives induce me to think, that one other tour of this kind of duty will ^{fall} to your Lot.

Old as I am, I rejoice at the high probability and therefore, near prospect of a general adoption of the Federal Constitution; this hope leads us on to the use of that System, in which the Federal voice of Pennsylvania stands ready to announce your Excellency the first President[“general” stricken out] of the union.—of this there need be little hesitation amongst the Citizens, but not so with you; persuaded as I am, it will cost you much anxious thought—nevertheless if the call of God, is manifested to you in a plenary or unanimous call of the people, I hope that will obviate every objection; if not for the whole term of four years at least for half that time if health admit: considering as you will, that we were not made for our selves, therefore must not live to our selves. my sole reason for these early hints, is that by a divine blessing you may be made instrumental of giving a wise & useful Example to successors in more things than what may be merely essential to the office; I had like to ^{be so} imprudent as to mention a few, but am checked, not by

modesty along, but by former demonstration that you will have in full view, all I mean and much more—the more dissipated customs of the age, prompted by elevation of Rank, National dignity & other inflated ideas, will but too probably contrast themselves, to National Economy, real dignity, & private virtue too; this battle you will have in your own breast, it must principally be fought with your self, an opponent harder to be overcome & more ready to give the foil, than any in all creation except One—but resistance on behalf of the publick & of the Church of God, is worthy of double praise: nor is any man who has these as his motive, likely to fight this battle alone—the wise medium an indulgent providence will direct, tho' no precise & invariable rule is admissible in the case.

The proposed Federal Constitution is well approved of this way by the more candid & better informed part of the people, some of whom are even surprized at the propriety of the first draught, all things considered; but look up for some amendments or alterations in the way prescribed in the Constitution itself, when experience & time shall point out the expedience of the measure—these perhaps will be of two kinds, some truly salutary, others in the way of explanation, merely to please. We have in this State had the most sanguine & unreasonnable Opposition of any I have yet heard of, and hope that none other of the Union will follow the insidious example, and had it not been assiduously contrasted might have proved very injurious to the union and peace of this country; nor has this evil & demented Spirit yet subsided—you cannot have read the Centinel in his numerous & baneful productions, the Old Whig—and the reasons of dissent exhibited by the minority of our Convention—without

discovering the treasonable & delusive views of the the junto, from whom our Confusions proceed, a sordid & contemptible junto too, but they have their emissaries & interpreters over a great part of the State, whereby they have allarmed the fears & deranged the common sense of the otherwise sober & orderly Citizens, beyond any thing you can well conceive. this wild and destructive Spirit appears to abate, but we are sorry that y^r State has postponed their decision to so late a day—the Suspence of that large State, keeps our Opposition in countenance—some of whom, (men of some note too) have lately declared that if Virginia, do not adopt, they entertain no doubt, but that the Maelcontents of the two States, will prevent the Execution of the proposed Federal plan! this is very rediculouse, yet very disagreeable, nor much to be doubted, but that some of the Western people talk together in this stile. The struggle we hear of in the Convention of Massachusets, must principally be owing to the redundancy of their numbers, of whom like our selves, too many must be unacquainted with the science & principles of Government—Old Sam: Adams amazes me more than any other individuel, because I cannot conceive what can induce one of his years to overlook the immediate necessity of at least begining to make a reform—M^r R—Lees letter too, tho' wrote with decency, contains more of the air, than the substance of the statesman; and in which he has fallen below himself. The Federalist Publius, in my opinion deserves much of his Country—at first from his sage manner, I took the auther to have been M^r Jay, but it's now said he is not—that these N^{os} are wrote by a small junto, of whos names none are gone out, but that of Coll: Hamilton. be the authur who may, he has great merit & his papers

may be of farther use, than a present inducement to embrace the new system—

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[Letters to Washington, vol. LXXII, p. 84.]

[Benjamin Lincoln] to His Excellency General Washington

Boston Feb^y 20^h 1788

New hampshire convention is sitting the accounts are vague and uncertain things do not look as well as we wish they did we however flatter our selves that the constitution will go down among them—Governour Sullivan & M^r Langdon, who have been in oposite boxes, are in this matter united and they are uniting their whole interest in favor of the constitution.

Our supreme judicial court opened here yesterday the Chief justice in his charge to the grand jury stated the imperfections of the old and the wisdom & necessity of the new constitution and answered many objections which have been thrown out against it—People here are quiet and are daily more and more attached to the new or proposed government—

I have the pleasure of inclosing the three last papers if none of my letters missearry your Excellency will have the debates regularly in the several papers I have & shall forward

[Letters to Washington, vol. LXXII, p. 86. Madison Papers, vol. IV, p. 32. Copy.]

Js. Madison Jr to [George Washington]

New York Feb^y. 20. 1788

I am just favored with yours of the 7th inst: and will attend to your wishes as to the political essays in the press.

I have given notice to my friends in Orange that the

County may command my services in the Convention if it pleases. I can say with great truth however that in this overture I sacrifice every private inclination to considerations not of a selfish nature. I foresee that the undertaking will involve me in very laborious and irksome discussions; that public opposition to several very respectable characters whose esteem and friendship I greatly prize may ["involve" stricken out] unintentionally endanger the subsisting connection; and that disagreeable misconstructions, of which samples have been already given, may be the fruit of those exertions which fidelity will impose. But I have made up my determination on the subject; and if I am informed that my presence at the election in the County be indispensable, shall submit to that condition : though it is my particular wish to decline it, as well to avoid apparent solicitude on the occasion; as a journey of such length at a very unpleasant season.

I had seen the extract of your letter to Col. Carter, and had supposed from the place where it first made its appearance that its publication was the effect of the zeal of a correspondent. I cannot but think on the whole that it may have been of service, notwithstanding the scandalous misinterpretations of it which have been attempted. As it has evidently the air of a paragraph to a familiar friend, the omission of an argumentative support of the opinion given will appear to no candid reader unnatural or improper.

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I hear nothing yet from the Convention of N. Hampshire.

[Madison Papers,
vol. IV, p. 33.]

J^s Madison Jr. to [Edmund Pendleton]

New York Feb^y 21. 88

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Your representation of the politics of the State coincides with the information from every other quarter. Great fluctuations and divisions of opinion, naturally result in Virginia from the causes which you describe; but they are not the less ominous on that account. I have for some time been persuaded that the question on which the proposed Constitution must turn, is the simple one whether the Union shall or shall not be continued. There is in my opinion no middle ground to be taken. The opposition with some has disunion ^{assuredly} for its object; and with all for its real tendency. Events have demonstrated that no coalition can ever take place in favor of a new Plan among the adversaries to the proposed one. The grounds of objection among the non-signing mem- ^{of the Convention,} bers are by no means the same. The disapproving members who were absent but who have since published their objections differ irreconcilably from each of them. The writers against the Constitution are as little agreed with one another; and the principles which have been disclosed by the several minorities where the Constitution has not been unanimously adopted, are as heterogeneous as can be imagined. That of Massachussetts, as far as I can learn was averse to any Government that deserved the name, and it is certain looked no farther than to reject the Constitution in toto and return home in triumph. Out of the vast number which composed it there was scarce a man of respectability, and not a single one capable of leading the formidable band. The men of abilities, of property, of character, with every judge, lawyer of eminence, and the Clergy of all sects, were with scarce an

exception deserving notice, as unanimous in that State as the same description of characters are divided and opposed to one another in Virginia. This contrast does not arise from circumstances of local interest, but from causes which will in my opinion produce much regret hereafter in the Opponents in Virginia, if they should succeed in their opposition. — N. Hampshire is now in Convention. It is expected that the result will be in favor of the Constitution. R. Island takes no notice of the matter. N. York is much divided. The weight of abilities and of property is on the side of the Constitution. She must go with the Eastern States let the direction be what it may. By a vessel just from Charlestown we understand that opposition will be made there. M^r Lowndes is the leader of it.

A British packet brings a picture of affairs in France which indicates some approaching events in that Kingdom which may almost amount to a revolution in the form of its Government. The authority is in itself suspicious; but it coincides with a variety of proofs that the spirit of liberty has made a progress which must lead to some remarkable conclusion of the scene. The Dutch patriots seem to have been the victims partly of their own folly, and partly of some thing amiss in their friends. The present state of that Confederacy is or ought to be a very emphatic lesson to the U. States. The want of Union and a capable Government is the source of all their calamities; and particularly of that dependence on foreign powers, which is as dishonorable to their character as it is [“dangerous to” stricken out] destructive of their tranquility.

[Letters to Washington, vol. LXXII, p. 95.]

C. Gibbs to His Excellency General Washington &c &c

Boston Feb^y 24th 1788.

On the 8th Instant I did myself the honor of addressing your Excellency and Communicating the agreeable Information that this Commonwealth had assented to and Ratified the proposed Constitution for the United States of America. I also transmitted several news papers of this Metropolis containing Part of the Debates of the Convention. In the same Letter I gave your Excellency some hope that as New Hampshire was soon to meet in Convention, they would (by the best Information) adopt the Constitution, They Convened on the 13th at Exeter, and Continued doing business till the 22^d when I am sorry to inform your Excellency they adjourned till June next, This was owing to a very large proportion of the Delegates, having received positive Instructions from their Constituents, to vote against the adoption of the Constitution. The Gentlemen in favour found if they went on doing business ["and" written upon "till"] the final question was called, that a decided Majority would be against the Constitution, and finding that several who came so Instructed were in some measure converted, but having their hands tied dare not vote for the adoption, It was therefore thought advisable by the Gentlemen in favour, and those Converted, that they had best adjourn and Return to their Constituents, and give up their Instructions, and if they would not Consent for them to act according to the dictates of their own reason, they would resign[&] they may choose new Delegates to meet in June at Exeter. It is thought this measure will have its desired effect, for before June the Illiberal and Ignorant will be broughtⁱⁿ to do what is right and Just.

Nothing more worth notice can I find to Communicate,
but refer your Excellency to the Inclosed newspapers which
I do myself the honor to transmit by this Conveyance

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B Lincoln to His Excellency General Washington Mount Vernon [Letters to Washington, vol. LXXII, p. 99.]

Boston Feb^y 24^h 1788

I was the last evening honoured by the receipt of your
favor of the 31st Ult^o

* * * * *

A Gentleman of this town who attended the New Hampshire convention the last week has returned and informs us that many of the members came instructed that tho' convinced, some of them, of the propriety and importance of adopting the proposed constitution yet felt themselves so bound by their instructions that they must vote against it from this view of the matter it was thought best to adjourn,[&] as it was not probable that a majority were in favor of the adoption an adjournment accordingly on friday last took place to the third wednesday in June—They could not well have it at an earlier day as the General Court, or their assembly meets and a Governour is to be elected between this and that time. Those who are best acquainted with the temper of that State say that there is no reason to doubt but the constitution will be finally adopted there

Federalism I am confident daily gains ground in this State. I think to have federal ideas will soon be the fashion if not the rage of the day.

[Washington Papers, Letter-book 2C, p. 3. Transcript.]

G^o Washington to The Hon^{ble} Sir. Edw^d Newenham.

Mount Vernon February 24^h 1788

* * * * *

I thank you, my dear Sir, for your information upon the general State of politics in Europe; and would, in return, give you some account of our public affairs here had any thing of importance transpired since my last letter to you of the of —I can only say that we are still in a state of expectation, waiting the result of the State Convention relative to the proposed plan of Government. Six States only have as yet decided upon it; they are favourable.—The convention of new Hampshire is now in session. The most formidable opposition to it is expected to come from New York and Virginia;—but as nine States will have determined upon it (and in all probability adopt it) before these Conventions take place, it is expected that its opponents in those States will not have sufficient influence to prevent its adoption there when it is found to be the general voice of the continent. Rhode Island has discovered some symptoms of recovering from her delirium;—the papers mention the votes of several towns instructing their delegates in the legislature to have a convention of the People for the purpose of considering the proposed constitution.

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[Madison Papers, vol. XV, p. 80.]

Tench Coxe to [James Madison]

Philad^a Feb. 25th 1788

If you thought it worth attention to publish N. 1. of the Pennsylvanian perhaps N^o 2, enclosed may also be properly inserted in the same paper. The first was in Hall & Sellerss of 6th sent before.

I wish to believe the acco^t of the 11th from New York informing of the Adoption by Massachussets on 5th instant— but we wait ^{for} the Numbers, the form & the more perfect certainty. To Morrow I trust will bring it.

Will you take the trouble of mentioning to the hon. M^r Contee from Maryland that Judge Hanson sent me a large packet of Pamphlets for him which I sent on yesterday. M^r Hanson writes me there is no doubt in Maryland, and tho considers the Opposition in Virg^a as very powerful, he says he is well grounded in assuring me of its final Success there.

I am gratified by the Unanimity of Georgia, and by the unanimous Vote of thanks by the Senate of S. Carolina.

I have two letters from gentlemen of very opposite characters, and very differently situated in London, who assure me, one that the Constitution is approved by all the warmest friends of America in England, the other that is in his opinion & all he has conversed with most likely to retrieve the lost Reputation of this Country. Those things are of little really consequence, opposite letters & opinions would have been used to its prejudice here. — I shall therefore furnish some extracts to our printers.

I am very troublesome to you, but I can never be so again because I believe Nothing will ever happen again that will furnish so great an Apology.

John Langdon to His Excellency General Washington

Portsmouth Feb^y 28. 1788

[Letters to Washington, vol. LXXII, p. 101.]

The Convention of this State met the 13 Ins^t to take into Consideration the foederal plan of Government; contrary

to the expectation of almost ev'ry thinking man, a small majority of (say four persons) appeared against the system, this was the most astonishing to ev'ry man of any information, as Massachusetts had accepted it, and that this State in particular had ev'ry thing to gain and nothing to loose, by the adoption of the Government and almost ev'ry man of property and abilities for it; however, this can be accounted for. just at the moment of choice for members for our Convention (in one of our principal Counties) took place, a report was circulated by a few designing men who wished for confusion, that Massachusetts Convention who had just met, were against the plan would certainly refuse it, the liberties of the people were in danger and that the great men (as they call them) were forming a plan for themselves together with a thousand other absurdities, which frightened the people almost out of what little senses they had. This induced them to choose not only such men as were against the plan but to instruct them positively against receiving it. the absurdity of such conduct is too plain to observe upon, however notwithstanding the exertion of the opponents, both without doors and within after spending ten days in debating on the plan, a number of those Gentlemen who came from home with different sentiments, were convinced of their Mistake and only wished an opportunity to lay the matter before their Constituents. this they mentioned to those in favor of the plan who seeing the difficulty which those men laboured under & the unceartainty of the Vote if the general question was then call'd for, agreed that I should move for an adjournment to some future day to take the final question this was done and carried. the Convention

adjourned to meet the third day of June next tho' greatly opposed by those against the plan.

That this State must and will receive it, I have but very little doubt, notwithstanding their late Conduct, which to be sure is very mortifying, as we have ev'ry thing to expect from its adoption

Joseph Spencer to Col. James Madison Jun^r Fredricksburg

[Madison Papers
vol. XV, p. 88.]

Orange County Feb^{ry} 28th 1788

The Federal Constitution, has it Enimyes in Orange as well as in other parts, Col. Tho^r Barber offers as a Candidit for our March Election, he is as grate an Enemy to it as he posably can be, & if not as grate as any it has, as grate as his abilitays will alow him to be, which if our County men admired his Politickes no more than I do, the Constitution would have but Little to fear from that Quarter, but his unward Labours Riding his Cerquits. & the Instréments he makes use of to Obtain his Election, misrepresents things in such Horred carrecters that the weker clas of the people are much predegessed agains it. by which meens he has many which as yet, appears grately in favour of him, amoungs his Friends appears, in a General way the Baptus's, the Prechers of that society are much alarm'd fearing Religious liberty is not suffisiently secur'd thay pretend to other objections but that I think is the principle objection, could that be Removed by sum one Caperble of the Task, I think thay would become friends to it, that body of people has become very formible in pint of Elections, as I can think of no Gent^{l^m} of my Acquaintance so suitable to the task as your self, I have taken the liberty to Request it of

you, Several of your Conections in Orange Joines me in oppinion, thinking it would answer a valuable purpuse for I am Certain that pople Relye much on your integrity & Candure, M^r Leeland & M^r Bledsoe and Sandres are the most publick men of that Society in Orange, therefore as M^r Leeland Lyes in your way home from Fredricksburg to Orange would advise you'l call on him & Spend a few Houres in his Company, in Clos'd you'l Receive his objections, which was sent by me to, Barber, a Coppy I tooke, this copy was first Design'd for Cap^t Walker, but as I hoped youl be in this state in a few days, thought proper to send it to you, by which means youl be made acquainted with their objections & have time to Consider them should you think it an Object worth y^r attention. my fears are that Except you & y^r friends do Exerte y^r selves Very much youl not obtain y^r Election in Orange such are the predegases of the people for in short there is nothing so Vile, but what the Constitution is Charged with, hope to see you in Orange in a few days

[ENCLOSURE.]

[Madison Papers,
vol. XVI, p. 53]

According, to your request, I here send you my objections to the Federal Constitution, which are as follows,

1st There is no Bill Rights, whenever a Number of men enter into a state of Society, a Number of individual Rights must be given up to Society, but there ^{should} always be a memorial of those not surrendred, otherwise every natural & domestic Right becomes alianable, which raises Tyranny at once, & this is as necessary in one Form of Government as in another. —

2nd There is a Contradiction in the Constitution,—we are first inform'd that all Legislative Powers therein granted shall be Vested in a Congress, composed of two houses, & yet afterwards, all the power that lies between a Majority & two thirds, [“which” stricken out] which is one sixth part, is taken from these two Houses, and given to one man, who is not only chosen two removes from the people, but also the head of the executive Department —

3rd The House of Representatives is the only free, direct Representation of the body of the people, & yet in Treaties which are to be some of the supreme Laws of the Land, this House has no voice —

4th The time place & Manner of chusing the Members of the Lower house is intirely at the Mercy of Congress, if they Appoint Pepin or Japan, as their ten miles square for the place, no man can help it.—how can Congress guarantee to each state a republican form of Government, when every principle of Republicanism is sapped —

5th The senators are chosen for six years, & when they are once Chosen, they are impeachable to nun but themselves, No Counterpoize is left in the hands of the People, or even in Legislative Bodys to check them, Vote as they will, there they sit, paying themselves at Pleasure —

6th I utterly oppose any Division in a Legislative Body, the more Houses, the more parties,—the more they are Divided, the more the Wisdom is Scattered, sometimes one house may prevent the Error of another & the same stands true of twenty Houses. But the Question is, whether they do more good than harm the Business is certainly thereby retarded & the Expence inhanced .

7th We are not informed whether Votes in all cases in the lower house are to be by Members or by states,—I Question wheather a man could find out the Riddle by Plowing, with Sampsons Heifer, if each Member is not to have a Vote why are they to be chosen according to the Numbers of Inhabitants, & why should Virginia be at ten-times the Expence of Delaware for the same Power, if the Votes are always to be by States, why is it not Expressed as in the choice of a President, in certain Cases, If each member is to have a Vote Why is it Expressed concerning Senators, & not Concerning Representatives, this Blank appears to me, to be designed, to encourage the small states with hops of Equality, & the Large states with Hopes of Superiority —

8^{ly} We have no assurance that the Liberty of the press will be allowed under this Constitution —

9^{ly} We have been always taught that it was dangerous mixing the Legislative & Executive Powers together in the same body of People but in this Constitution, we are taught better, or worse —

10^{ly} What is dearest of all—religious Liberty, is not sufficiently secured, No religious test is required as a Qualification to fill any office under the United States, but if a Majority of Congress with the president favour one system more then another, they may oblige ["oblige" stricken out] all others to pay to the support of their system as much as they please, & if Oppression dose not ensue, it will be owing to the Mildness of administration & not to any Constitutional defence, & if the Manners of People are so far Corrupted, that they cannot by republican principles, it is very Dangerous leaving Religious Liberty at their Marcy —

Rev^d John Leeland, s Objections to the Federal Constitu-

tion Sent to Col. Tho^s Barber by his Request, a Coppy taken by Jo^s Spencer entended for the Consideration of Cap^t Jas Walker Culpeper.

G^o Washington to The Hon^{ble} Gen^l Lincoln

Mount Vernon February 28. 1788

[Washington Papers, Letter-book 6C, p. 5. Transcript. Substantially repeated in letters of same date to Caleb Gibbs and Rufus King. Washington Papers, Letter-book 6C, pp. 7, 8. Transcripts.]

I have to acknowledge the receipt of your three letters of the 3^d 6th & 9th ins^t—The information conveyed by the last was extreemly pleasing to me, tho' I cannot say it was altogether unexpected, as the tenor of your former letters had, in some measure, prepared me for the event,—but the conduct of the minority was more pleasing and satisfactory than could have been expected.—The full and fair discussion which you gave the subject in your convention was attended with the happiest consequences; it afforded compleat information to all those who went thither with dispositions to be informed, and at the same time gave an opportunity to confute, and point out the fallacy of those specious arguments which were offered in opposition to the proposed Government.—nor is this all, the conciliating behaviour of the minority will strike a damp on the hopes which opponents in other States might, otherwise have formed from the smallness of the majority, and must be greatly influential in obtaining a favourable determination in those States which have not yet decided upon it.

There is not perhaps a man in Virginia less qualified than I am, to say from his own knowledge and observation, what will be the fate of the Constitution here, for I very seldom ride beyond the limits of my own farms, and am wholly indebted to those Gentlemen who visit me for any information of the disposition of the people towards it, but from

all I can collect I have not the smallest doubt of its being accepted.

I thank you, my dear Sir, for the accounts which you have, from time to time, transmitted me since the meeting of your convention, nothing could have been more grateful or acceptable to me, I am also obliged by your promise to inform me of any important matters that may transpire, and you know, I shall, at all times be happy to hear of your welfare

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[Washington Papers, Letter-book 6C, p. 12. Transcript.]

G^o Washington to The Hon^{ble} Jas Madison.

Mount Vernon March 2^d 1788

The decision of Massachusetts, notwithstanding its concomitants, is a severe stroke to the opponants of the proposed Constitution in this State:—and with they favourable decision of those which have gone before it and such as are likely to follow after will have a powerful operation on the minds of men who are not more influenced by passion, Peak and resentment, than they are by candor, moderation and judgement.—Of the former description however, I am sorry to say there are too many; and among them some, who would hazard every thing rather than fail in their opposition, or have the sagacity of their prognostications impeached by the Issue.

The determination you have come to will give much pleasure to your friends.—From those in your County you will learn with more certainty than from me, the expediency of your attending the Election in it:—with some, to have differed in sentiment, is to have passed the Rubican of their

friendship altho' you should go no further; with others (for the honor of humanity) I hope there is more liberality. but the consciousness of having discharged that duty which we owe to our Country is superior to all other considerations and will put these out of the question.

* * * * *

To Morrow, the Elections for delegates to the State Convention, begins; and as they will tread close upon the heels of each other it will make an interesting and important month.

J^s Madison Jr to [George Washington]

N. York. March 3^d 1788

[Letters to Washington, vol. LXXII, p. 105. Madison Papers, vol. IV, p. 34. Copy. Substantially repeated in Madison to Pendleton, March 3, 1788. Madison Papers, vol. IV, p. 35.]

The Convention of N. Hampshire has afforded a very disagreeable subject of communication. It has not rejected the Constitution; but it has failed to adopt it. Contrary to all the calculations that had been made it appeared on the meeting of the members that a majority of 3 or ["4" stricken out] or four was adverse to the object before them, and that on a final question on the merits, the decision would be in the negative. In this critical state of things, the fœderalists thought it best to attempt an adjournment, and having proselyted some of the members who were positively instructed agst the Constitution, the attempt succeeded by a majority of 57 agst 47. if my information as to the numbers be correct. It seems to be fully expected that some of the instructed members will prevail on their towns to unfetter them and that in the event N. Hampshire will among the adopting States. The mischief elsewhere will in the mean time be of a serious nature. The second meeting is to be in June. This circumstance will probably be construed in Virg^a

as making cotemporary arrangements with her. It is explained to me however as having reference merely to the conveniency of the members ["who will" stricken out] whose attendance at their annual elections & courts would not consist with an earlier period.—The opposition I understand is composed precisely of the same description of characters with that of Mass^{ts} and stands contrasted to all the wealth, abilities, and respectability of the State.

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[Washington Papers, Letter-book cC, p. 14. Transcript.]

G^o Washington to The Hon^{ble} John Jay.

Mount Vernon March 3^d 1788.

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The decision of Massachusetts would have been more influential had the Majority been greater, and the ratification unaccompanied by the recommendatory Act.—As it stands the blow is severely felt by the antifederalists in the equivocal States.—This adoption added to the five States which have gone before it, and the three which more than probable will next follow, will (as there can be little doubt of Rhode Island following the example of her Eastern brethren) be too powerful I conceive for locality and sophistry to combat.

On this day, our elections of Delegates to the Convention of the State, commences—they will progress as our Court days in this month arrive, and form an interesting epocha in our Annals—After the choice is made, the probable decision on the proposed Constitution (from the characters of members) can with more ease be conjectured; for myself I have never entertained much doubt of its adoption tho' I am a very incompetent judge never having been Six miles

beyond the limits of my own Farms since my return from Philadelphia and receiving information of the sentiments of the people from visitors only.

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G^o Washington to The Hon^{ble} Gen^l Knox.

Mount Vernon March 3^d 1788

[Washington Papers, Letter-book 6C, p. 17. Transcript.]

I pray you to accept my acknowledgements of your favors of the 10th and 14th Ult^o and congratulation on the acceptance of the new Constitution by the State of Massachusetts—Had this been done without its concomitants, and by a larger Majority the stroke would have been more severally felt by the antifederalists in other States. As it is, it operates as a damper to their hopes, and is a matter of disappointment and chagreen to them all. Under the circumstances enumerated in your letters, the favourable decision which has taken place in that State, could hardly have been expected; nothing less than the good sense, sound reasoning, moderation and temper of the Supporters of the measure, could have carried the question. It will be very influencial on the equivocal States—Of the two which are next to Convene, (New Hampshire and Maryland) there can be no doubt of its adoption and S^c Carolina but little, which will make nine States without a dissentient—the force of this argument is hardly to be resisted by locality sophistry—candor and prudence therefore, it is to be hoped will prevail, and yet I believe there are some characters among us who would hazard, every thing rather than cease their opposition or leave to the operation of the government the chance of proving the fallacy of their predictions of it, by which their sagacity and foresight might be impeached.

This day introduces the Elections for the Convention of this State, and they will progress regularly thro' the month as the Court days shall arrive—After which a more accurate opinion may be formed of the probable decision of the State.

From the last European intelligence, the Political state of affairs in France seem to be in a delicate Situation—what will be the issue is not easy to determine—but the spirit which is diffusing itself may produce changes in that Government which a few years ago could hardly have been dreamt of.—all these things, together with the importance assumed by G. B. on the occasion of her dispute with this power and the State of other powers on the Continent are strong additional motives for us to establish a well toned Government.

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[Letters to Washington, vol. LXXII, p. III.]

Gouv Morris to His Excellency Gen^l Washington

Williamsburgh 7 March 1788

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I should not forgive myself if I omitted this Occasion of congratulating with you on the Accession of Massachusetts to the new Constitution. This Event is in all Probability conclusive and gives to our Country the Chance for national Felicity. Should the new Government be set agoing speedily and well I verily beleive the political Situation of american Citizens, under the Presidency of the Man of their unanimous Choice will be the most happy in the World. * * *

John Page to [Thomas Jefferson]

Rosewell March y^e 7th 1788[Jefferson Papers,
series 2, vol. I, XV,
No. 22.]

* * * * *

I have long wished for a leisure Hour to write to you, but really could not command one till now; when by means of an uncommon spell of severe Weather, & a deep Snow, I am caught at Home alone—having left my Family at York, to attend on the Election of Delegates to serve in Convention in June next—I came over, offered my Services to the Freeholders in a long Address which took me an Hour & an half to deliver it, in which I explained the Principles of the Plan of the fœderal Constitution & shewed the Defects of the Confederation declaring myself a Friend to the former; & that I wished it might be adopted without losing Time in fruitless Attempts to make Amendments which might be made with more probablility of Success in the Manner pointed out by the Constitution itself—I candidly confessed that I had been at first an Enemy to the Constitution proposed, & had endeavoured to fix on some Plan of Amendments; but [“finding” written upon “found”] that Gov^r Randolph, Col. Mason, & Col. Lee differed in their Ideas of Amendments, & not one of them agreed with me in Objections, I began to suspect that our Objections were founded on wrong Principles; or ^{that} we should have agreed, & therefore I set to work, & ^{over again} examined the Plan of the Constitution; & soon found, that the Principles we had applied were such as ^{the Government of a} might apply to single State; but not to the complicated Government, of 13, perhaps 30 States which were to be united, so as to be one in Interest, Strength & Glory; & yet to be severally sovereign & independent, as to their Municipal Laws, & local Circumstances ^(except in a few Instances which might clash with the general Good);—that such a general Gov-

ernment was necessary as could command the Means of mutual Support, more effectually than mere Confederacies Leagues & Alliances; that is, a Government which for fœd- eral Purposes should have all the Activity Secresy & Energy which the best regulated Governments in the World have; & yet that this, should be brought about, without establish^g a Monarchy or an Aristocracy; & without vio- lating the [mutilated] Principles of democratical Govern- ments. I say I confessed, that, when I considered, that this was to be the Nature of the Government which was necessary to be adopted in the United States ["that" stricken out] I found that the Objections which might be made to a single State thus governed, would not apply to this great delicate & complicated Machinery^{of} Government, & that the Plan proposed by the Convention was perhaps the best which could be devised—I have run myself out of Breath in a long winded Sentence, & lost a deal of Time in telling^{vizt} you what I might as well have said in three Words,— that after all my Trouble the Freeholders left me far behind ["W" written upon "Th"]arner Lewis & Tho^s Smith on the Lists of Candidates. I had however this Consolation, that I was not rejected on Account of my Attachment to the Constitution—for those two Gentlemen openly avowed the same Sentiments which I had declared in my Address to the People.

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David Ramsay to [Thomas Jefferson]

[Jefferson Papers,
series 2, vol. LXIX,
No. 17.]Charleston March 7th 1788

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Our State convention is to sit in May when I hope they will confirm the proposed fœderal constitution. Some opposition may be expected here but I trust there is a decided majority in favor of it.

H Knox to His Excellency Gen^l Washington[Letters to Wash-
ington, vol. LXXII,
p. 115.]

New York 10 of March 1788

Your favor of the 11th ultimo was duly received.

The publication signed Publius is attributed to the joint efforts of M^r Jay, M^r Maddison and Col^o Hamilton. It is highly probable that the general conjecture in this case is well founded.

I have not written to you since the untoward event of New Hampshire. The conduct of the convention was so contrary to expectations of every person who conceived themselves informed of the dispositions of that State, that I knew not what to write.

I have received a letter from President Sullivan in which he says that the adjournment will be attended with the happiest consequences, and that the convention in their next session will adopt the constitution by a majority of three to one.

The business in this state is critically circumstanced, and the parties nearly balanced—The issue will depend greatly on the industry of the different sides—I am apprehensive that the antifederalists will be the most indefatigable. The federalists say they shall have a small majority certainly—

but it is to be apprehended that their confidence will prove highly injurious to the cause—Nothing has been received from Rhode Island that can give any immediate hopes that that state will endeavor to establish a different character

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[Washington Papers, Letter-book 6C
p. 28. Transcript]

G^o Washington to The Hon^{ble} Thomas Cushing.

Mount Vernon March 10th 1788

Your letter of the 12th Ult^o. inclosing the recommendatory Amendments to the proposed plan of Government by your Convention, did not come to hand till last Saturday, or it should have had an earlier acknowledgement.

The adoption of the Constitution by the State of Massachusetts will undoubtedly have a very happy influence upon the decision of those States which have yet to determine upon the important question. The respectability of your Majority, added to the candor and manly behaviour of the minority, will obviate any improper impressions which might have been made by its smallness. The full and fair discussion which the subject met with in your Convention evidently shew the advantage of it by its effects, for, from every information which we could obtain here, it appears that there would have been a decided majority against the Constitution, had the matter been determined early in the session; nor will this be the only benefit derived from it,—the publication of the debates will serve to remove objections in the minds of unprejudiced persons in other States who seek for information.—

It is not in the power of the best informed among us to

say, at present, how it will terminate in this State; at the end of this month some judgement may be formed, as we shall then have a return of the delegates from the several Counties who are to compose the convention. There is perhaps no person less qualified than I am to give an opinion upon the matter from his own observation, as I am wholly indebted to those Gentlemen who visit me for any knowledge that I have of the dispositions of the people, not having been ten miles from home since my return from Philadelphia, but from every information, I have not a doubt of its being adopted here.

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G^o Washington to The Hon^{ble} Gen^l Lincoln.

Mount Vernon March 10th 1788

[Washington Papers, Letter-book 6C
p. 26. Transcript]

Your favor of the 20 Ult^o and the papers accompanying it came duly to hand;—I believe none of your letters to me have miscarried as I have rec^d the papers containing the debates of your Convention very regularly.

I am sorry to hear that the issue of the Government in new Hampshire is, in any measure, dubious;—Our concurrent accounts from that quarter have been favourable in the highest degree, they would have justified the expectation of an unanimity in their Convention.

The growing attachment of the people in your State to the proposed Constitution is certainly a strong proof of its general excellence, it shews that a due and impartial consideration of the subject will decide in its favor.

At the end of the present Month we shall be able to form a tolerable judgement of what may be its fate here, as our

returns for the delegates to the Convention will be known at that time, and the characters chosen will be pretty generally decided in their opinions upon the matter before their delegation, as that will determine the people in their choice. The general tenor of the information, which I derive from those Gentlemen who call upon me, seems to agree in the oppositions losing ground.—and that nothing is wanting to render the people so favourably disposed towards it as to put the decision beyond a doubt but a proper representation of, and information upon the subject.—The opponents are indefatigable in their exertions, while the friends to the Constitution seem to rest the issue upon the goodness of their cause. There will undoubtedly be a greater weight of abilities against the adoption in this convention than in any other;—we had a right to expect it from the characters who first declared against it here, but notwithstanding this, my own opinion is (as it has ever been) that it will be received.

[Letters to Washington, vol. LXXII, p 130.]

B Lincoln to His Excellency General Washington

Boston March 19th 1788

I was this morning honoured with the receipt of your Excellencys favor of the 29th Ult^o

Nothing very material has taken place since the convention was dissolved, saving the meeting of our General court.—An attempt was made by some in the house of representatives, in a proposed answer to the Governours speech, to reprobate the doings of the convention held at Philadelphia and of the one in this State. In order to avoid a greater evil an answer will be omitted.

Your Excellency will recollect that our last house of assembly was choosen under the influence of the insurgents most of whom are against the proposed ^{constitution} at the least.—Had it been submitted to our house of representatives it would have been negatived—We had different men in our convention they were chosen at a time when the spirit of insurgency had in a degree subsided.

We have much to apprehend yet from the remains of the same temper and are anxious what may be its effects on the choice of our next General Court.

I have the pleasure to forward for your Excellencys inspection the debates in our late convention they would have been forwarded sooner could they have been obtained from the printer.

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C Griffin to [James Madison]

[Madison Papers,
vol. XV, p. 89.]

N: York 24 March 1788:

before the date of this letter I hope you are gotten safe to orange, and found all things in a situation the most agreeable.

We are still going forward in the same tract of seven states, of course not a great deal can be done, and indeed not a great deal to do.

A prospect of the new Constitution seems to deaden the activity of the human mind as to all other matters; and yet I greatly fear that constitution may never take place; a melancholy Judgment most certainly—and would to heaven that nothing under the Sun shall be more erroneous!

The adjournment of N. Hampshire, the small majority of Massachusetts, a certainty of rejection in Rhode Island, the formidable opposition in the State of N. York, the convulsions and Committee meetings in Pennsylvania, and above all the antipathy of Virginia to the system, operating together, I am apprehensive will prevent the noble fabrick from being erected. The constitution is beautiful in Theory—I wish the experiment to be made—in my opinion it would be found a government of sufficient energy only.

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[Washington Papers, Letter-book 6C, p. 40. Transcript.]

G^o Washington to The Hon^{ble} Gen^l Knox.

Mount Vernon March 30th 1788

Your favor of the 10th came duly to hand and by M^r Madison I had the pleasure to hear that you had recovered from a severe illness.—on this event I sincerely congratulate you.

The conduct of the State of New Hampshire has baffled all calculation, and has come extremely mal-apropos for a favorable decision on the proposed Constitution in this State; for by the real cause of the late adjournment what it may the Antifederal party with us do not scruple to pronounce that it was done to await the issue of this Convention before it would decide and add that if this State should reject it, all those who are to follow will do the same and consequently that it cannot obtain as there will be only eight States in favor of the Measure.

Had it not been for this untoward event the opposition would have proved entirely unavailing in this State, notwithstanding the unfair (I might without much impropriety have made use of a harsher expression) conduct which has

been practiced to rouse the fears, and to inflame the minds of the People. What will be the result, now, is not for me to say as I have seen but a partial return of the Delegates and have little or no knowledge of the political sentiments of many of them—In the northern part of the State the current of sentiment (I know) is generally in favor of the new form. In the southern part—I am told—it is the reverse—whilst in deciding the question, and here the idea of its becoming an impediment to its separation from this operates strongly whilst pains have not been wanting to inculcate a belief that the General Government proposed will, without scruple or delay barter away their right Navigation to the Mississipi.

The postponement in New Hampshire will give strength and vigor to the opposition in new York, and possibly render Rhode Island more tardy than she would otherwise have been, if all the New England States had adopted the measure.

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G^o Washington to The Hon^{ble} John Langdon

Mount Vernon April 2^d 1788

[Washington Papers, Letter-book 6C, p. 45. Transcript.]

Your letter of the 28th of February came regularly to hand. The conduct of New Hampshire respecting the proposed Government was a matter of general surprize in this, and I believe in every other part of the the United States; for her local situation, unconnected with other circumstances, was supposed to be a sufficient inducement to the people of that State to adopt a general Government which promises more energy & security than the one under which we have hitherto lived, and especially as it holds out advantages to the smaller

States equal, at least, to their most sanguine expectations. Circumstanced as your Convention was, an adjournment was certainly prudent, but it happened very mal-apropos for this State, because the concurrent information from that quarter would have justified the expectation of an unanimity in the convention, whereas an account so opposit to every former one having arrived at the very time when the elections were carrying on here, gave an opportunity to the opponents of the proposed Constitution to hold up to the people an idea of its not having been so generally approved of in other States as they had been taught to believe, and of consequence prepared them to receive other impressions unfriendly to the Government and tending to influence their votes in favor of antifederal characters—However I am still strong in the expectation of its being adopted here notwithstanding the unjust and uncanded representations which have been made by the opponents to inflame the minds of the people and prejudice them against it.

[Washington Papers, Letter-book 6C, p. 43. Transcript.]

G^o Washington to The Hon^{ble} Gen^l Lincoln

Mount Vernon April 2^d 1788

I have to acknowledge the reception of your favor of the 24th of February which I have delayed answering till this time, in expectation of being able to give you some information of what will probably be the determination of this State upon the Constitution; but the proceedings of New Hampshire, so directly opposite to what we had reason to hope for from every Account, has entirely baffled all calculation upon the subject, and will strengthen the opposition in this State. The only ground upon which an opinion can

be formed of what will be the decision here, is the return of the members for the Convention; of these I have as yet seen but a partial list, and of this list there are many who are unknown to me, so that I am not able to give you any more satisfactory information upon the subject than when I wrote last to you. This, however, I may say, that the Northern, or upper Counties are generally friendly to the adoption of the Government, the lower are said to be generally unfriendly, the sentiments of the western parts of the States are not fully known, but no means have been left untried to prejudice them against the System, every art that could inflame the passions or touch the interests of men have been essayed;—the ignorant have been told, that should the proposed Government obtain; their lands would be taken from them and their property disposed of;—and all ranks are informed that the prohibition of the Navigation of the Mississippi (their favorite object) will be a certain consequence of the adoption of the Constitution. But notwithstanding these unfair and unjust representations I have the fullest confidence in its being received in this State—

A Hamilton to [James Madison]

[Madison Papers,
vol. XV, p. 90.]

April 3^d

I have been very delinquent My Dear Sir in not thanking you sooner for your letter from Philadelphia. The remarks you make on a certain subject are important and will be attended to. There is ["one" stricken out] truly much embarrassment in the case.; ["but when impossibilities are to be reconciled, what but embarrassment can be expected" stricken out] ?

I think ^{however} the principles we have talked of, in respect to the legislative authorities, are not only just but will apply to the other departments. Nor will the consequences appear so disagreeable, as they may seem at first sight, when we attend to the true import of the rule established. The states ^{not alienated in the three modes pointed out;} retain all the authorities they were before possessed of [^]; but this does not include cases which are the creatures of the New Constitution. For instance, ["there" stricken out] the crime of treason against the United States immediately, is a crime known only to the New Constitution. There of course was no power in the state constitutions to pardon that crime—There will be none under the new &^c ^{therefore} This or something like it seems to me to afford the best solution of the difficulty.

I send you the Fœderalist ^{from the beginning} to the conclusion of the commentary on the Executive branch. If our suspicions of the author be right, he must be too much engaged to make a rapid progress in what remains.—The Court of Chancery & a Circuit Court are now sitting

We are told that your election has succeeded; [^{with} "for" stricken out] which we all felicitate ourselves. I will thank you for an account of the result generally.

In this state our prospects are much as you left them—a moot point which side will prevail. Our friends to the Northward are active.

Washington Papers, Letter-book 6C,
p. 17. [Transcript.]

G^o Washington to General Rich^d Butler.

Mount Vernon April 3^d 1788

I have received your letter of the 13th Ult^o—my not acknowledging the reception of the printed Vocabulary must

have been an omission, for it came safely to hand with the manuscript one

Your observation respecting the instability and inefficacy of our General Government is very just, they are not only apparent in the instance which you mention, but have, for a long time, strongly marked all our national transactions. This in my opinion, is a powerful argument, for adopting the proposed Constitution even if it was less perfect then it is, and while a constitutional door is left open for amendments whenever they may be found necessary.

I thank you, my dear Sir, for your information respecting the opposition to the proposed Government in the Country west of the Susquehana. Notwithstanding the rancour and activity of the opponents in Pennsylvania, I trust that they are generally speaking, persons of too little importance and of too contemptable characters to endanger the general welfare of the Union by extending their influence to other States, or even any further in their own than to a few Counties, or over persons whose characters dispositions & situations are conformable to theirs.

How the important question will be decided in this State is yet uncertain. Opinions are various, and I can say nothing upon the subject from my own knowledge, as I but very rarely ride off my own farms, and am wholly indebted to the public papers and those Gentlemen who visit me for any information which I have; however from every thing that I can collect, I am still confident of its adoption here.

[Letters to Washington Vol. I, XXII, p. 108.]

William Gordon to [George Washington]

London Apr 3. 1788

* * * * *

I conjecture from what has taken place, that the New Constitution will be established, & most sincerely hope it will promote the general interests of the United States. Strength of government is certainly wanting: but as to the plea that the court of London makes for not entering on a commercial alliance from a deficiency of power in Congress I consider it as deceitful. A disinclination to the business is the main reason; & was I in the councils of America I should advise to send no more an ambassador to London, till this court was disposed to do the like. A consul at Westminster may suffice for a consul at New York.

* * * * *

[Washington Papers, Letter-book 6C, p. 49. Transcript.]

G^o Washington to Major Caleb Gibbs

Mount Vernon April 3^d 1788

Your letter of the 24th of Feb^r and the enclosed news papers came duly to hand. The conduct of New Hampshire has I believe, been a matter of surprize in every part of the Country, and from what I can learn, wholly unexpected by a considerable part of the Convention themselves;—The adjournment was, however, (circumstanced as they were) a very prudent step, for it appears that the great question would have been lost if the sense of the convention had been taken upon it at that time.

It is still uncertain what the determination of this State will be;—the Northern Counties are generally favourable to the adoption of the Constitution, The Southern are said

to be unfavourable:—and the Sentiments of the western parts of the State are not fully known;—no pains, however, has been spared, and no art untried to inflame the minds of the people & prejudice them against the proposed system of Government.

Bernstorff a M. le Chev^r Paul Jones. . Chef d'escadre &c. .

[The Papers of the Continental Congress, No. 87, p. 90. Copy. Also No. 168, vol. II, p. 391. Copy.]

Vous avez désiré, Monsieur, que je vous reponde à la lettre que vous m'avez fait l'honneur de me remettre de la part de M. Jefferson, Ministre Plenipotentiaire des États-Unis de l'Amérique auprès de S. M. T. Chrétienne. Je le fais avec d'autant plus de plaisir que vous m'avez inspiré autant d'intérêt que de confiance, & que cette occasion me paraît aussi heureuse que favorable de faire connaître les sentimens du Roi mon maître, sur des objets auxquels nous attachons une fort grande importance. Rien n'est plus éloigné du plan & des souhaits de S. M. que de laisser tomber une negociation, qui n'a été suspendue que par une suite des circonstances, naturellement amenées par la nécessité de laisser mûrir une situation nouvelle, de s'eclairer sur les interêts reciproques, d'eviter l'inconvenient d'un arrangement precipité et imparfait. Je suis autorisé, Monsieur, de vous donner, & par vous, a M. Jefferson la parole du Roi que S. M. [^{renouvellera} "renouvellera" stricken out] la negociation pour un traité d'amitié & de commerce, & cela dans les formes déjà convenues, au moment que la nouvelle constitution (ce plan admirable, si digne de la sagesse des hommes les plus eclairés) aura été adopté par un État à qui il ne manquoit plus que cela pour s'assurer une consideration parfaite.

* * * * *

[Washington Papers, Letter book 6C,
p. 55. Transcript.]

G^o Washington to James Wilson Esq^r

Monit Vernon April 4th 1788

You will please to accept of my best thanks for the copy of the debates of your late convention which you have been so polite as to send me—That, together with your favor of the 11 Ult^o was handed to me by M^r Madison.

The violent proceedings of the enemies of the proposed constitution in your State are to be regreted as disturbing the peace of society; but in any other point of view they are not to be regarded; for their unimportance effectually precludes any fear of their having an extensive or lasting influence, and their activity holds up to view the general cast & character of them, which need only be seen to be disregarded.

It is impossible to say, with any degree of certainty, what will be the determination of the Convention in this State upon the proposed plan of Government. I have no opportunity of gaining information respecting the matter but what come through the medium of the news papers or from those Gentlⁿ who visit me, as I have hardly been ten miles from any farms since my return from Philadelphia. Some judgement may be formed when the members chosen by the several Counties to serve in Convention, are known, as their sentiments will be decided, and their choice determined, by their Attachments or opposition to the proposed System. A majority of those names I have yet seen are said to be friendly to the Constitution but these are from the Northern parts of the State from whence least opposition was to be expected. It is however certain that there will be a greater weight of abilities opposed to it here than in any other State.

G: Nicholas to [James Madison]

[Madison Papers,
vol. XV, p. 91.]Charlottesville April 5th 88.

I consider the present moment as so important to America, that I shall take the liberty of communicating to you my sentiments, as to the conduct that her real friends ought to pursue.

The adoption of the new constitution (on which I conceive her salvation to depend) in this state depends much on the conduct of the other states; from the list of members returned to the convention, I think a majority of them are federal; but that majority if it exists, will be but small, and I apprehend some of them will fear to give the last hand to the business, unless the conduct of the other states will justify it. The adjournment of the New-Hampshire convention puts an end to the hope that nine will adopt before the meeting of our convention, but it will be a great matter to have the sanction of eight states. Maryland and South-Carolina are the only ^{ones} which are now to meet, and I flatter myself will both be favorable to the plan; but I apprehend great efforts will be made to induce them to adjourn until after our meeting, and if this can be brought about, depend on it Sir, it will have great influence in this country; if you consider this matter in the same point of view that I do, may I hope that you will impress on your friends in those states, the importance of their sanction prior to the meeting of this state. I have great expectations from the influence of Mr Pendleton, and know that effort will be used to induce him to come into the proposition of demanding amendments before the adoption, you can prevent the danger from that quarter. Not having been in the state for some time, perhaps you are a stranger to the real sentiments of some of the

leaders of the opposition. You know better than I do what was the conduct of M^r Mason at the convention, immediately after his return, he declared, that notwithstanding his objections to particular parts of the plan, he would take it as it was rather than lose it altogether; since that I have reason to believe his sentiments are much changed which I attribute to two causes: first the irritation he feels from the hard things that have been said of him, and secondly [^{to}“from” stricken out] a vain opinion he entertains (which has industriously been supported by some particular characters) that he has influence enough to dictate a constitution to Virginia, and through her to the rest of the Union. M^r Henry is now almost avowedly an enemy to the Union, and therefore will oppose every plan that would cement it. His real sentiments will be industriously concealed, for so long as he talks only of amendments, such of the friends to the Union, as object to particular parts of the constitution will adhere to him, which they would not do a moment, if they could be convinced of his real design. I hope to be possessed of sufficient information by the meeting of the convention to make that matter clear, and if I am it shall not be withheld. The opposition except from that quarter will be feeble. Our friend E: R. talks of a compromise [^{to}“upon” stricken out] between the friends to the Union, but I know of but one that can safely take place; and that is on the plan of the Massachusetts convention: it appears to me impossible, that another continental convention assembled to deliberate on the whole subject, should ever agree on any general plan.

Let the decision of our convention be what it may, I think it will be of great consequence that an address to the people

at large should go forth from such of the members as are friends to the constitution: if this had been done in Pennsylvania, it would have counteracted much of the poison contained in the dissent of the minority. I consider the situation of the friends as very different, and requiring them to pursue a line of conduct, which would not be justifiable in the minority after the adoption of the government. Their only object could be to wish to foment a civil war to destroy a government, which they suppose not perfect; but if this government is rejected, America will be left without one, at least only in possession of one which all parties agree is insufficient; it will therefore be our duty to state to the people the necessity of a change and place in it's true point of view the one now offered. Nine tenths of the people are strong friends to the Union, and such of them ^{are} as opposed to the proffered government, are so, upon suppositions not warranted by the thing itself. No person in the convention can so well prepare this address as yourself, and if it appears as important in your eyes as it does to me, I, hope that you will undertake it. The greater part of the members of the convention will go to the meeting without information on the subject, it will be very important to give this as early as may be, and if possible before they go from home. Publius of the fœderalist if it is published in a pamphlet, would do it better than any other work; if it is published can I get the favor of you to procure me thirty or forty copies of it, that I may distribute them; if they were sent to Orange or Richmond I should soon get them.

The only danger I apprehend is from the Kentucky members; and one consideration only has any weight with them: a fear that if the new government should take place, that

their navigation would be given up. If M^r Brown could be satisfied on this subject, and would write to that country, and also have letters here for the members, I am satisfied they would be right.

I wrote the above on a supposition that you had or would immediately return to New York but being informed yesterday that you did not intend it, one other consideration appears as important ^{as} any that I have yet mentioned. If the convention adopts the new government it will depend on the next assembly whether it shall be set in motion; if they reject it, no plan for a substitute can come from any other quarter: so that on either event it will be material to have a majority there federal. We laid the ground work of a reform in our courts of justice last fall, it requires the finishing hand; you know the number that are opposed to all reforms, and how formidable they will be with Henry at their head. If then as I suppose the truth is, that nothing very important can come before the present Congress, will it not be necessary for you to go into the assembly. At any rate none but federal men should be elected.

Has Congress determined on any thing as to the separation of Kentucky? I am much interested in the welfare of that country as I expect to reside in it within twelve months.

[The Papers of the Continental Congress, No. 64, pp. 604, 610, 608.]

John Collins to His Ex^y the President of Congress.
State of Rhode-Island and Providence-Plantations.

In General Assembly. April 5th 1788.

The Report of the Convention assembled in Philadelphia, being transmitted by the Secretary of Congress, was received

by us at October Session last; & 1000 Copies thereof were ordered to be printed and sent into the respective Towns within this State, that the People at large might have a full Opportunity of considering and communing upon so important an Object; which was immediately done.—And at February Session last the Consideration thereof was submitted to the Freemen of this State by the inclosed Act: And, the Returns from each respective Town being delivered in, it appears that the Yeas for adopting the Constitution for the United States were Two Hundred and Thirty seven, and the Nays Two Thousand Seven Hundred and Eight, agreeably to the within Return.

Altho this State hath been singular from her Sister States in the Mode of collecting the Sentiments of the People upon the Constitution, it was not done wth the least Design to give any Offence to the respectable Body who composed the Convention, or a Disregard to the Recommendation of Congress, but upon pure Republican Principles, founded upon that Basis of all Governments originally deriving from the Body of the People at large.—And altho' the Majority hath been so great against adopting the Constitution, yet the People in general conceive that it may contain some necessary Articles which could well be added and adapted to the present Confederation. They are sensible that the present Powers invested with Congress are incompetent for the great national Government of the Union, and would heartily acquiesce in granting sufficient Authority to that Body to make exercise and enforce Laws throughout the States which would tend to regulate Commerce,—impose Duties and Excise, whereby Congress might establish Funds for discharging the public Debt.

We regret that any Dissensions should be in this State, when the Good of the Community is our Wish, and it will ever be our Disposition to endeavor to promote whatever appears to us to be of public Utility, and to harmonize as much as possible.

[ENCLOSURE NO. I.]

[Print.]

An ACT submitting to the Consideration of the Freemen of this State, the Report of the Convention of Delegates for a Constitution for the United States, as agreed on in Philadelphia, the 17th of September, A. D. 1787.

WHEREAS the Honorable the Continental Congress did heretofore recommend to the Legislatures of the respective States, to appoint Delegates to meet in Convention, at Philadelphia, in May, A. D. 1787, to make such Alterations and Amendments in the present Confederation of the United States as would tend to promote the Happiness, good Government and Welfare of the Federal Union: And whereas the said Delegates, on the 17th Day of September, 1787, did agree upon, and report to the Congress of the United States, a Form of a Constitution for the United States of America: And whereas the said United States in Congress assembled did, by a Resolution passed the 28th Day of September, A. D. 1787, transmit said Report to the Legislature of this State, to be submitted to the Consideration of the People thereof: And whereas this Legislative Body, in General Assembly convened, conceiving themselves Representatives of the great Body of People at large, and that they cannot make any Innovations in a

Constitution which has been agreed upon, and the Compact settled between the Governors and Governed, without the express Consent of the Freemen at large, by their own Voices individually taken in Town-Meetings assembled: Wherefore, for the Purpose aforesaid, and for submitting the said Constitution for the United States to the Consideration of the Freemen of this State:

BE it Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted, That the Fourth Monday in March inst. be, and the same is hereby appointed, the Day for all the Freemen and Freeholders within this State, to convene in their respective Towns, in Town-Meetings assembled, and to deliberate upon, and determine each Individual (who hath a Right by Law to vote for the Choice of General Officers) by himself by Poll, whether the said Constitution for the United States shall be adopted or negatived.

AND be it further Enacted by the Authority aforesaid, That the Town-Clerks in the respective Towns shall forthwith issue their Warrants, for the convening of the Freemen and Freeholders to meet, on said Fourth Monday of March inst. at such Place where the Town-Meetings are usually holden: And the same shall be directed to the Town-Serjeants and Constables of the respective Towns, who shall cause Notifications to be set up in the most public Places of Resort within such Towns; and also shall repair to the usual Place of Abode of the Freemen and Freeholders in such Town, and give them Notice of the Meeting aforesaid, for the Purpose aforesaid. The said Town-Serjeants and Constables to have particular Districts pointed out to them, to warn the Freemen and Freeholders, so as not to interfere with each other's

District, that all the Freemen and Freeholders may, if possible, have Notice and attend accordingly. And upon the Convention of said Freemen, they shall appoint a Moderator, who shall regulate such Meeting; and the Voices of the Freemen and Freeholders shall be taken by Yeas and Nays, and the Town-Clerk of each Town shall register the Name of each and every Freeman and Freeholder, with the Yea or Nay, as he shall respectively give his Voice aloud, in open Town-Meeting, and shall keep the Original in his Office, and shall make out a true and fair certified Copy of the Register aforesaid, with the Yeas and Nays of each and every Person thereon, and carefully seal the same up, and direct it to the General Assembly, to be holden by Adjournment, at East-Greenwich, in the County of Kent, on the last Monday of March inst. and deliver the same to One of the Representatives of such Town, or other careful Person, who will take Charge of the same, to be delivered to the said General Assembly, then and there to be opened, that the Sentiments of the People may be known respecting the same.

AND it is further Enacted by the Authority aforesaid, That in Case it shall so happen that the said Fourth Monday of March inst. shall prove to be stormy or boisterous Weather, so that the Freemen and Freeholders in general cannot conveniently attend, the said Town-Meeting may adjourn, from Day to Day, not exceeding three Days, so that the Voices of the People may be taken.

AND it is further Enacted by the Authority aforesaid, That the Secretary shall forthwith transmit to each Town-Clerk of the respective Towns within this State a Copy of this Act.

[INDORSEMENT.]

State of Rhode-Island &c

April 8th 1788

What is on the other Side hereof is a true Copy of an Act passed by the General Assembly at the Session held on the last Monday in February last.

Witness HENRY WARD Secy[~]

[ENCLOSURE NO. 2.]

The Yeas and Nays from the respective Towns are as follow.

	N ^o of Yeas	N ^o of Nays
Newport	1 . . .	10
Providence . . . . .	. . . . .	1
Warwick	3 . . .	140
Portsmouth	12 . . .	60
Westerly	12 . . .	56
South Kingstown	1 . . .	125
New-Shoreham . . . . .	. . . . .	32
North-Kingstown	2 . . .	160
East-Greenwich	2 . . .	91
Jamestown	5 . . .	11
Smithfield	2 . . .	158
Scituate . . . . .	. . . . .	156
Gloucester	9 . . .	228
Coventry . . . . .	. . . . .	180
West-Greenwich	2 . . .	145
Charlestown	6 . . .	51
Exeter	6 . . .	136
Bristol	26 . . .	23

Tiverton	23 . . .	92
Little Compton	63 . . .	57
Warren	2 . . .	41
Cumberland	10 . . .	113
Richmond	1 . . .	68
Hopkinton	33 . . .	95
Johnson	1 . . .	79
Cranston . . . . .	. . .	101
Middletown	6 . . .	40
North Providence . . . . .	. . .	48
Barrington	9 . . .	34
Foster . . . . .	. . .	177
	237	2708

We the Subscribers being appointed a Committee to examine the Yeas and Nays from the respective Towns do find, upon Examination of the same, the Number of Yeas to be Two Hundred Thirty seven, and the Nays to amount to Two Thousand Seven Hundred and Eight; which gives a Majority of Two Thousand Four Hundred and Seventy one Nays. All which we humbly beg Leave to Report.

Thomas Durfee	} Committee
John Sayles	
James Sheldon	
Shearj ^a Bourn	
Gideon Arnold	

State of Rhode-Island and Providence-Plantations.

In General Assembly

March Session 1788.

It is Voted and Resolved That the preceding Report of the Committee for ascertaining the Yeas and Nays of the Freemen

of the respective Towns for a Constitution for the United States be & the same is hereby received: And that the Hon'ble Daniel Owen Esq^e Jonathan J. Hazard Thomas Joslyn & Rowse J. Helme Esquires be a Committee to draught a Letter to the President of Congress—inclusing the Returns of the Yeas and Nays upon said Constitution.

A true Copy.

Witness HENRY WARD Secry

Charles Lee to Col R. H. Lee

Richmond 6 april 1788

* * * * *

Except from Kentucky, the conventioners are known, and the sentiments of almost all of them have been declared which furnishes some ground for ascertaining the decision of Virginia with respect to the constitution. From the most correct information that has been yet ["had" stricken out] obtained the majority is in favor of the constitution & only about ten or twelve votes. In Kentucky the people are said to be divided but in general they are said to be opposed. Thus it seems extremely doubtful, if the abilities and influence of the leaders, and the number of influential men be not brought into consideration. But in this point of view the probability is much increased in favor of the opinion that it will be agreed to— * * *

[Letters to Washington, vol. LXXXII, p. 332. Enclosure in letter of Richard Henry Lee to George Washington, July 8, 1788.]

W Short to M^r Jefferson

Paris April 6th 1788

* * * * *

Letters by the French Packet arrived here the latter end of the last month—Papers came by her as late as the 20th of

25981—Bull. 11—03—36

[Jefferson Papers, series 2, vol. LXXV No. 35.]

Feb.—Every thing seems to be going on well—Massachusetts has accepted the constitution by a majority of 19. in a convention of 335.—the acceptance was solemn, & honorable—the leading members of the minority declared the matter had been fairly canvassed—& that although they had hitherto opposed, they would in future support, the constitution & engage their constituents to do the same. the convention after accepting the constitution in the terms proposed, recommend certain alterations [“to” stricken out]. at present six states have accepted the constitution, six others [“pro” stricken out] called conventions—& the thirteenth (R. Island) has its assembly I believe now sitting.

* * * * *

Genl Washington writes to the Marquis de la f. that there no longer remains any doubt of the constitution being accepted by at least nine States.

* * * * *

[Jefferson Papers,
Series 2 vol. XL, No.
41]

F: Hopkinson to [Thomas Jefferson]

Philad^a April 6th 1788

* * * * *

We are in a high political Fermentation about our new proposed federal Constitution. There are in every State People who have Debts to pay, Interests to support, or Fortunes to make. These wish for scrambling Times, paper Money Speculations, or partial Commercial advantages—An effective general Government will not suit their Views, & of Course there are great oppositions made to the new Constitution—but this opposition chiefly arises from a few leading Party Men in the Towns & Cities, who have been very

industrious in holding^{it} up ["the new" stricken out] as a political Monster to the Multitudes who know nothing of Government, & have gained many Proselytes in the back Counties. The Lees & M^r Mason have so exerted themselves in Virginia as to make the Determination of that State doubtful—Maryland is infested with a M^r Martin—but I am told the Constitution will be adopted there We shall know in a few Weeks—The Convention met in New Hampshire & adjourn'd to sometime in June—The City of New York is federal, but the ["State" stricken out] Country much opposed, under the Influence of Gov^r Clinton. Altho' Pennsylvania has long since adopted the proposed System, yet in no State have the People behaved so scandalously as here—George Bryan & his Party (formerly called the Constitutional Party) have been moving Heaven & Earth against the Establishment of a federal Government—Our Papers teem with the most opprobrious Revilings against the System & against all who befriended it—These Scriblers began with Arguments against the proposed Plan, such Arguments as would stand with equal Force against every or any Government that can be devised—They were Arguments against Government in general, as an Infringement upon natural Liberty—They then poured forth a torrent of abuse against the members of the late general Convention personally & individually—You will be surprized when I tell you that our public News Papers have announced General Washington to be a Fool influenced & lead by that Knave D^r Franklin, who is a public Defaulter for Millions of Dollars, that M^r Morris has defrauded the Public out of as many Millions as you please & that they are to cover their frauds by this new Government—What think you of this.—Some of the Authors

of these inflammatory Publications have been traced, and found to be Men of desperate Circumstances—

I had the Luck to discover & bring forward into public View on sufficient Testimony the writer of a Series of abominable abuse, under the Signature Philadelphiensis, he is an Irishman who came from Dublin about 3 Years ago & got admitted as a Tutor in arithmetic in our University—I am now under the Lash for this Discovery, scarce a [“News Paper” stricken out] Day passes without my [“scandalous” stricken out] Appearance in the News Papers in every scandalous Garb that scribbling Vengeance can furnish—I wrote also a Piece stiled The new Roof which had a great Run—I would send you a Copy but for the Postage—you will probably see it in some of the Papers, as it was reprinted in, I believe, every State—

I am sorry to tell you that our friend M^r Rittenhouse is antifederal—However, we never touch upon Politics

* * * * *

[Madison Papers,
vol. XV, p. 92.]

C Griffin to [James Madison]

N: Y: April 7th

Colonel Wadsworth has thought proper to leave us—and his state being unrepresented we are again reduced to six only—and probably may continue in that situation a week or two longer—the N. York delegates do not attend—it seems to me the period is fully arrived to close the Confederation.

* * * * *

Rhode Island have in fact rejected the constitution—so that only eight states can have adopted the system before the session of Virginia. we are much rejoiced to hear of your election, especially as your being present, we are told,

was absolutely necessary to counter-act some unwarrantable proceedings.

* * * * *

at some convenient hour I hope you will give me your opinion upon the prospect of the new-Constitution—the Elections now finished &c.

News papers enclosed—

Ed- Carrington to The Honble Ja^s Madison j^r

[Madison Papers,
vol. XV, p. 93.]

Richmond Ap^l 8. 1788

Having an opportunity by M^r Burnley I embrace it to acknowledge the Rec^d of your favor of the 3^d Ult. from N. York, and also to congratulate you upon the success which attended your efforts to turn the Sinners of Orange from their wicked ways.

The Rage in Powhatan was, a few days before the election, as high as where, but by the day of trial, the Town was so changed that M^r Turpin who had set out in the opposition declared for the constitution, and is elected under that declaration. his associate M^r Ronald had kept his sentiments to himself, but on that day, in a speech to the people, said he had done so, only to avoid the misrepresentations which he found candid men subjected to, and, in decided terms pronounced the Constitution a great and good work, which, if adopted would give happiness & prosperity to America, and that should it be rejected a disunion must ensue to the utter ruin of the whole. M^r Turpin was the old member for the County, and his opposition occasioned me, contrary to my more early intention, to declare, at a late period for the Convention, but having taken the same

ground with myself, at the day, his old standing saved his election by seven votes—I am however content as he is a respectable man, and the County, from being anti, are become entirely federal. Most of the elections in the upper [“parts” stricken out] & middle parts of the south side of James River, have been made in Phrenzy, and terminated in deputations of weak & bad men, who have bound themselves to vote in the negative, and will in all cases be the tools of Mr H.—but I hope there will be enough of another description to disappoint his views. much depends upon nine States having actually adopted by June, as this point would clearly unite the federalists of every description—the event in N. Hampshire breaks this prospect, unless Rhode Island should, in some of her whimsical frolics take a turn into the right way, of this some late movements there give us some symptoms. Mr Kinlugh arrived here this morning directly from South Carolina—He says the convention of that State is to meet on the 12th of May, and that three fourths of the people are warm constitutionalists.

I have had much conversation with the Chief Justice—he dislikes the constitution, but dreads the consequences of a disunion so much, that he is determined to place us in no situation which shall in the least degree hazard such an event—he is indeed much discontented with our present situation and thinks that no change can be against us.

do you return to N. York before June? I shall set out tomorrow—command me there or elsewhere—I shall be glad to here from you, and will give you every thing which occurs worth communicating.

[Benjamin Franklin] To the Editor of the Federal Gazette
Sir,

[Franklin Papers,
vol X, p 2276. Printed
in the Federal Ga-
zette, April 8, 1788.]

A zealous Advocate for the propos'd federal Constitution, in a certain public Assembly, said, that the Repugnance of a great part of Mankind to good Government, was such, that he believ'd if an Angel from Heaven were to bring down a Constitution, form'd there for our Use, it would nevertheless meet with violent Opposition. He was reprov'd for the suppos'd Extravagance of the Sentiment; and he did not justify it. Probably it might not immediately occur'd to him, that the Experiment had actually been try'd, and that the Event was recorded in the most faithful of all Histories, the Holy Bible; otherwise he might, as it seems to me, have supported his Opinion by that unexceptionable Authority.

The Supreme Being had been pleased to nourish up a single Family, ["till it" stricken out] by continu'd Acts of his attentive Providence, 'till it became a great People; and having rescued them from Bondage by many Miracles perform'd by his Servant Moses, he personally deliver'd to that chosen Servant, in the Presence of the whole Nation, a Constitution, and Code of Laws for their Observance, accompanied and sanction'd with Promises of great Rewards, and Threats of severe Punishments, as the Consequence of their Obedience or Disobedience.

This Constitution, tho' the Deity himself was to be at its Head, and it is therefore call'd by Political Writer [mutilated] a Theocracy, could not be carried into Execution but by the Means of his Ministers,—Aaron and his Sons were therefore commission'd to be, with Moses, the first establish'd Ministry of the new Government.

One would have thought that this Appointment of Men, who had distinguish'd themselves in procuring the Liberty of their Nation, and had hazarded their Lives in openly opposing the Will of a powerful Monarch, who would have retain'd that Nation in Slavery, might have been an Appointment acceptable to a grateful People; ["yet there were" stricken out] and that a Constitution fram'd for them by the Deity himself, might on that Account have been ["receiv'd" stricken out] secure of an universal welcome Reception: yet there were, in every one of the thirteen Tribes, some discontented restless Spirits, who were continually exciting them to reject the propos'd new Government; and this from various Motives:—Many still retain'd an Affection for Egypt, the Land of their Nativity; and these whenever they felt any Inconvenience or Hardship, tho' the natural and unavoidable Effect of their Change of Situation, exclaim'd against their Leaders as the Authors of their Trouble, and were not only for returning into Egypt, but for Stoning their Deliverers.* Those inclin'd to Idolatry, were displeas'd that their Golden Calf was destroy'd. Many of the Chiefs thought the new Constitution might be injurious to their particular Interests, that the profitable Places would be engross'd by the Families and Friends of Moses and Aaron, and others equally well-born excluded.† In Josephus, and the Talmud, we learn some Particulars, not so fully narrated in the Scripture. We are told that Corah was ambitious of the Priesthood, and offended that it was conferred on Aaron, and this as he said, by the Authority of Moses only, without

* Numbers, ch. XI [mutilated]

† Numbers, ch. XVI v. 3. And they gathered themselves together against Moses and against Aaron, and said unto them, Ye take too much upon you seeing all the Congregation are holy, every one of them;—wherefor then lift ye up yourselves above the Congregation?

the Consent of the People. He accus'd Moses of having by various Artifices fraudulently obtain'd the Government, and depriv'd the People of their Liberties; and of conspiring with Aaron to perpetuate the Tyranny in their Family. Thus tho' Corah's real Motive was the supplanting of Aaron, he persuaded the People that he meant only the Public Good; and ^{they} mov'd by his Insinuations, began to cry out, "Let us maintain the common Liberty of our respective Tribes; we have freed ourselves from the Slavery impos'd on us by the Egyptians, and shall we now suffer ourselves to be made Slaves by Moses? If we must have a Master, it were better to return to Pharaoh, who at least fed us with Bread and Onions, than to serve this new Tyrant, who by his Operations has often brought us into Danger of Famine." Then they call'd in question the Reality of his Conferences with God, and objected the Privacy of the Meetings, and the Preventing any of the People from being present at the Colloquies, or even approaching the Place, as Grounds of great Suspicion. They accus'd Moses also of Peculation, as embezzeling Part of the Golden Spoons and the Silver Chargers that the Princes had offer'd at the Dedication of the Altar,† and the Offerings of Gold by the common People,|| as well as most of the Poll-Tax;§, and Aaron they accus'd of pocketing much of the Gold of which he pretended to have made a molten Calf. Besides Peculation, they charg'd Moses with Ambition; to gratify which Passion, he had, they said, deceiv'd the People, by promising to bring them to a Land flowing with Milk and Honey, instead of doing which, he had brought them from

† Numb. ch. VII.

|| Exod. ch. XXXV. 22.

Numb. ch. III. &
 § Exod. ch. XXX.
 ^

such a Land; and that he thought light of all this Mischief provided he could make himself an absolute Prince,^{**}. That to support the new Dignity with Splendor in his Family, the partial Poll-Tax already levied and given to Aaron,^{*} was to be follow'd by a general one,[†] which would probably be augmented from time to time, if he were suffered to go on promulgating new Laws on pretence of new occasional Revelations of the divine Will, 'till their whole Fortunes were devour'd by that Aristocracy.

Moses deny'd the Charge of Peculation; and his Accusers were destitute of Proofs to support it; tho' Facts, if real, are in their Nature capable of Proof. "I have not, said he (with holy Confidence in the Presence of his God) I have not taken from this People the Value of an Ass, nor done them any other Injury.—But his Enemies had made the Charge, & with some success among the Populace, for no kind of Accusation is so readily made, or easily believ'd, by Knaves, as the Accusation of Knavery.

In fine, no less than two hundred and fifty of the principal Men, "famous in the Congregation, Men of Renown,[‡] heading and exciting the Mob, work'd them up to such a Pitch of Frenzy, that they called out Stone 'em, Stone 'em, and thereby secure our Liberties; and let us chuse other Captains that may lead us back into Egypt in case we do not succeed in reducing the Canaanites.

On the whole it appears, that the Israelites were a People jealous of their newly-acquired Liberty, which Jealousy was

^{**} Numb. ch. XVI v. 13. Is it a [mutilated] that thou hast brought us up out of a Land flowing with Milk and Honey [mutilated] thyself altogether a Prince over us?

^{*} Numb. ch. III

[†] Exod. ch. XXX

[‡] Numb. ch. XVI

in itself no Fault; but, that when they suffer'd it to be work'd upon by artful Men, pretending Public Good, with nothing really in view but private Interest, they were led to oppose the Establishment of the New Constitution, whereby they brought upon themselves much Inconvenience and Misfortune. It appears farther from the same inestimable History, that when, after many Ages, that Constitution was become old and much abus'd, and an Amendment of it was propos'd, the Populace, as they had accus'd Moses of the Ambition of making himself a Prince, and cry'd out Stone him, stone him; so, excited by their High Priests and Scribes, they exclaim'd against the Messiah, that he aim'd at becoming King of the Jews, and cry'd out Crucify him, Crucify him. From all which we may gather, that popular Opposition to a public Measure is no Proof of its Impropriety, even tho' the Opposition be excited & headed by Men of Distinction.

To conclude, I beg I may not be understood to infer, that "the" ^{out} stricken out] general Convention was divinely inspired when it form'd the new federal Constitution, merely because that Constitution has been unreasonably and vehemently opposed; yet I must own I have so much Faith in the ^{general} Government of the World by Providence, that I can hardly conceive a Transaction of such momentous Importance to the Welfare of Millions now existing, and to exist in the Posterity of a great Nation, should be suffered to pass without being in some degree influenc'd, guided and governed by that omnipotent, omnipresent & beneficent Ruler, in whom all inferior Spirits live & move and have their Being.—

[Madison Papers, [John Brown] to The Honble James Madison Esq Orange
vol. XV, p. 94.]
County

New York April 9th 1788

* * * * *

We have had the pleasure to be inform'd of your Election for the ensuing Convention—from the returns which I have seen my hopes are somewhat revived—should the Back Country be in favor success I think is certain

[Madison Papers, J^s M-[adison] to His Excellency Governour Randolph
vol. IV, p. 36.]
Richmond

Orange April 10th 1788

* * * * *

I view the amendments of Massachussetts pretty nearly in the same light that you do. They were meant for the people at large, not for the minority in the Convention. The latter were not affected by them; their objections being levelled against the very essence of the proposed Government. I do not see that the 2^d amendment, if I understand its scope, can be more exceptionable to the S. Sts. than the others. I take it to mean that the number of Rep^s shall be limited to 200, who will be apportioned from time to time according to a census; not that the apportionment first made when the Rep^s amount to that number shall be perpetual. The 9th amendment I have understood was made a very serious point of ^{by} S. Adams.

I do not know of any thing in the new Constitution that can change the obligations of the public with regard to the old money. The principle on which it is to be settled, seems to be equally in the power of that as of the existing one. The claim of the Indiana Company can not I should

suppose be any more validated by the new System, than that of all the creditors and others who have been aggrieved by unjust laws. You do not mention what part of the Constitution, could give colour to such a doctrine. The condemnation of retrospective laws, if that be the part, does not appear to me, to admit on any principle of such a retrospective construction. As to the religious test, I should conceive that it can imply at most nothing more than that without that exception, a power would have been given to impose an oath involving a religious test as a qualification for office. The constitution of necessary offices being given to the Congress, the proper qualifications seem to be evidently involved. I think too there are several other ^{satisfactory} points of view in which the exception might be placed.

I shall be extremely happy to see a coalition among all the real federalists. Recommendatory alterations are the only ground that occurs to me. A conditional ratification or a second convention appears to me utterly irreconcilable in the present state of things with the dictates of prudence and safety. I am confirmed, by a comparative view of the publications on the subject, and still more of the debates in the several conventions, that a second experiment would be either wholly abortive, or would end in something much more remote from your ideas and those of others who wish ^{a salutary} [illegible word stricken out] Government, than the plan now before the public. It is to be considered also that besides the local & personal pride that w^d stand in the way, it could not be a very easy matter to bring about a reconsideration and rescision of what ["has" stricken out] will certainly have been done in six and probably eight States, and in several of them by unanimous votes. Add to

all this the extreme facility with which those who secretly aim at disunion, (and there are probably some such in most if not all the States) will be able to carry on their schemes, under the mask of contending for alterations popular in some places and known to be inadmissible in others. Every danger of this sort might be justly dreaded from such men as this State & N. York only could furnish, playing for such a purpose, into each others hands—The declaration of H-y mentioned in your letter is a proof to me that desperate measures will be his game. If Report does not more^{than} usually exaggerate, M[manuscript torn] also is ripening fast for going every length. His licentiousness of animadversion it is said, no longer spares even the moderate opponents of the Constitution.

[Letters to Washington, vol. LXXII, p. 172. Madison Papers, vol. IV, p. 37. Copy.]

J^r Madison Jr. to Gen^l Washington

Orange April 10. 1788

Having seen a part only of the names returned for the Convention, and being unacquainted with the political characters of many of them, I am a very incompetent prophet of the fate of the Constitution. My hopes however are much encouraged by my present conjectures. Those who have more data for their calculations than I have, augur a flattering issue to the deliberations of June. I find that Col: Nicholas, who is among the best judges, thinks on the whole, that a majority in the Convention will be on the list of federalists; but very properly takes into view the turn that may be given to the event by the weight of Kentucky if thrown into the wrong scale, and by the proceedings of Maryland and South Carolina, if they

should terminate in either a rejection or postponement of the question. The impression on Kentucky, like that on the rest of the State was at first answerable to our wishes: but, ["at present" stricken out] as elsewhere, the torch of discord has been thrown in and has found the materials but too inflammable. I have written several letters since my arrival, to correspondents in that district, with a view to counteract antifederal machinations. I have little expectation however that they will have much effect, unless the communications that may go from M^r Brown in Congress, should happen to breathe the same spirit: and I am not without apprehensions that his mind may have taken an unlucky tincture from the difficulties thrown in the way of the separation of the district, as well as from some antecedent proceedings of Congress. I have taken the liberty of writing also to a friend in South Carolina on the critical importance of a right decision there to a favorable one here. The inclosed letter which I leave unsealed will shew you that I am doing the same with respect to Maryland. Will you be so as to put a wafer in it and, to send ^{it} to the post office for George Town, or to change the address to Annapolis, if you should have reason to conclude that M^r Carrol will be there? I have written a similar letter to Doc^r M^cHenry. The difference between even a postponement and adoption in Maryland, may in the nice balance of parties here, possibly give a fatal advantage to that which opposes the Constitution.

I have done nothing yet in preparing answers to the queries. As facts are to be ascertained as well as opinions formed, delay will be of course, counted upon.

Jas Monroe to [Thomas Jefferson]

Richmond April 10. 1788.

* * * * *

The Convention of this State is to meet in June to take up the rep^t from Phil^a—The people seem much agitated with this subject in every part of the State. The principal partizans on both sides are elected. Few men of any distinction have fail'd taking their part. Six States have adopted it, N. Hampshire the 7th that took the subject up adjourned untill late in June with a view it is presum'd, to await the decision of those States who postpon'd their meeting to the latest day as Virg^a N. Y^k & N^o Carolina, and from that circumstance suppos'd least friendly to it. The event of this business is altogether incertain, as to its passage thro the Union. That it will no where be rejected admits of little doubt, and that it will ultimately, perhaps in 2. or three years, terminate, in some wise and happy establishment for our country, is what we have good reason to expect. I have it not in my power at present to commit to cypher any comments on this plan but will very soon, I mean ["very" stricken out] concisely as to its organization and powers: nor to give you the arrangment of characters on either side, with us. I write by Col^o Carrington & he leaves this immediately. It will give me infinite pleasure to hear from you occasionally—My county has plac'd me among those who are to decide on this question; I shall be able to give you a view of its progress that may be interesting to you. * * *

Charles Lee to George Washington esquire

Richmond 11th april 1788[Letters to Wash-
ington, vol. LXXII,
p. 174.]

* * * * *

What ["will" stricken out] the result will be, of retain-
ing your public securities, is a thing of great uncertainty
upon which opinions are very different: Unless there be a
quiet and peaceable transition from the present american
government, into another more powerful and independent of
the people, the public debts and even private debts will in
my opinion be extinguished by acts of the several Legisla-
tures of the several states. The temper of the people in
general, their habits, their interests all combine in produ-
cing such an event, and against these, natural justice will
make but a feint opposition. If the proposed constitution be
agreed to, and the administration be mild, just and wise, if it
be so conducted as to engage the affections of the people, the
public securities will appreciate and in a few years perhaps,
be of considerable value.

Upon the accession^{of} this commonwealth to the constitu-
tion, the happiness of America seems to me to depend & it
is distressing to find upon the best information yet had
respecting the sentiments of the conventioners that this
remains very uncertain. Exclusive of Kentucky, I believe
there is a majority of ten or twelve in favor of taking it as it
is; except a few characters, the members of most knowledge
and abilities and personal influence are also in favor of the
constitution:—It seems too to be gaining ground among the
people in this part of the country from which last circum-
stances I have strong hopes that it will be agreed to by our
convention. Kentucky is said to be divided but their repre-
sentatives are as yet unknown here. Governor Randolph is

very busy with those who declare themselves undetermined, and as his mind does not seem to be yet fixed, I cannot tell how his influence will operate. I am told he has declared if nine states accept it, that he will vote for its adoption.

[Jefferson Papers,
series 2, vol. XIII,
No. 61.]

W^m Carmichael to [Thomas Jefferson]

Madrid 14 April 1788

* * * * *

Our new constitution has employed some part of the Idle Moments of the Corps Diplomatic & others here. The General conclusion seems to be, that, if adopted, it will give energy & consequently respectability to our confederation. The first view of its outlines, I own, revolted me & perhaps I wrote too soon & too freely my sentiments thereon to America. Had I been in 108 I should in all probability ^{have been} of the sentiment of Paca & the other you mention. At all Events I would have been for a fair discussion & not as some have done, insisted on accepting or rejecting it in toto. However dangerous may be delay I confess that I think a Removal of the principal Objections which Separate States may make to its acceptance, by the Convention which Congress, as you suppose, may in ^{vi} case assemble, has my strongest approbation. A General approbation will effectually dissappoint the hopes of our Enemies of being able to divide us & encourage others to form connections from a firm assurance of our respectability.

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Cyrus Griffin to [James Madison]

[Madison Papers,
vol. XV, p. 95.]N. Y. April 14th

* * * * *

Mr Adams has written a letter by the british packet of december 10th * * * he approves highly the proposed Constitution.

publius has not appeared since my last enclosure.

I thank you for the favor of march 25th we all rejoice greatly at your election; indeed, my dear Sir, we consider you as the main pillar of the business on the right side; but from the elections hitherto sent to us there is certainly a majority against the system, but the western members will preponderate the scale—in point of virtues and real abilities the federal members are much superior—Henry is weighty and powerful but too interested—Mason too passionate—the Governor by nature timid and undecided—and Grayson too blustering.

* * * * *

Charles Lee to Gen^l Washington—[Letters to Wash-
ington, vol. LXXII,
p. 176.]Richmond 14th april 1788

* * * * *

With regard to the constitution, it seems that the news-
papers have mispublished the delegates from Kentucky and
the governor informs me that they are to a man opposed to
it—He seems to be fixing in favor of it, and this stroke of
the Judiciary will have some effect upon his mind and per-
haps on the minds of others shewing the incompetency of
our present government to maintain us in society.

* * * * *

[Letters to Wash-
ington, vol. LXXII,
p. 177]

Dan of S^t Tho^r Jenifer to [George Washington]

Annapolis Ap^l 15. 1788

It affords me great pleasure to have it in my power to inform you that our Elections are now over, & in general in favor of the New Constitution. But three Counties in the State have chosen Members Antifederal to wit Ann Arundel Baltimore & Harford & the Elections of these three will be controverted, as to three Members towit M^r Sam^l Chase for Ann Arundell on account of being a Non resident. the same objection to M^r Paca & Luther Martin in Harford. Baltimore a Double return 4 for & 4 against the Constitution—Tho' I am opinion when the ultimate decision happens that M^r Paca will vote for the proposed plann as it stands—& recommend amendments—rather than risque a new Convention—

[Letters to Wash-
ington, vol. LXXII,
p. 186]

John Jay to His Excell^y General Washington

New York 20 Ap. 1788

* * * * *

The Constitution still continues to cause great party Zeal and Ferment, and the opposition is yet so formidable that the Issue appears problematical. I inclose the latest publication of any Consequence that we have on the Subject.

[Letters to Wash-
ington, vol. LXXII,
p. 189.]

James M^cHenry to His Excellency G. Washington Esq^e

Mount Vernon

Baltimore 20 April 1788

Your election for members of convention being over must have furnished data by which to form an opinion of the probable fate of the constitution in your State. I wish you to

favor me with a line on this subject, and whether you think an adjournment of our convention would operate with yours against its adoption. Our opposition intend to push for an adjournment under the pretext of a conference with yours respecting amendments. As I look upon such a step to amount to a rejection in both States I shall do every thing in my power to prevent it. Your sentiments may be useful. You will be kind enough therefore if you have leisure, to write ^{to} _^ me at Annapolis whither I shall go in the morning. Present appearances are flattering; but we should be provided with the means of guarding against any change—

G^o Washington to Thomas Johnson Esq^{re}

Mount Vernon April 20th 1788

[Washington Papers, Letter-book cC, p 61. Transcript.]

As well from report, as from the ideas expressed in your letter to me in December last, I am led to conclude that you are disposed (circumstanced as our public affairs are at present) to ratify the Constitution which has been submitted to the people by the Federal Convention—and under this impression I take the liberty of expressing a single sentiment on the occasion.

It is, that an adjournment if attempted of your convention to a latter period than the decision of the question in this State, will be tantamount to the rejection of the Constitution. I have good reasons for this opinion;—and am told it is the blow which the leading characters of the opposition in the next State have meditated if it shall be found that a direct attack is not likely to succeed in yours. If this be true, it cannot be too much deprecated and ^ugarded against. The postponement in new Hampshire (altho' ^{it made no ^} reference to the _^

convention of this State but proceeded altogether from the local circumstances of its own) is ascribed by the opposition here to complaisance towards Virginia, and great use is made of it.—An event similar to this in Maryland would have the worst tendency imaginable for indecision there would certainly have considerable influence upon South Carolina the only other State which is to precede Virginia and submits the question almost wholly to the determination of the latter. The pride of the State is already touched upon this string and will be raised much higher if there is fresh cause.

The sentiments of Kentucky are not yet known here. Independent of these the parties in this State from the known or presumed opinions of the members are pretty equally balanced—the one in favor of the constitution preponderates at present.—but a little matter cast into the opposite scale may make it heaviest.

If in suggesting this matter I have exceeded the proper limit, I shall yet hope to be excused. I have but one public wish remaining—It is, that in peace and retirement I may see this Country rescued from the danger which is pending, and rise into respectability, man^egre the intregues of its public and private enemies.

[Letters to Wash-
ington vol. LXXII,
p. 155.]

Sam^l H. Parsons to [George Washington]

Carlisle 21st Ap^l 1788.

I am now on my Road to the Settlements forming on the River Ohio; and take this only Method in my power to take leave of your Excellency & to assure you of my most cordial Wishes for your Happiness; should any Occurrences ren-

der my Services in that Country of Use to you, I shall never be more happy than in devoting myself to the execution of your Wishes. The State of our Country must give very sensible trouble to every good Citizen & to none more than to your Excellency who has acted so conspicuous a part in effecting our Independance—in the eastern States I think Opposition to the federal Government is nearly ended; we have our Eyes now turn'd to Virginia, if there is Wisdom to adopt the propos'd plan in that State; I think we may hope to restore to our nation the Honor their folly has lost them;—I view the Adoption of the present plan with all its Imperfections as the only Means of preserving the Union of the States & securing the Happiness of all the parts of this extensive Country; I feel myself deeply interested in this Subject as it will affect the Country of which I am now commencing an Inhabitant, I am sure it must ever be our Interest to continue connected with the Atlantic States, to them we must look up for protection, and from them we can receive such Supplies as we want, with more facility than from our other Neighbours; but without an efficient Government, we can expect no Benefits of a Connection and I fear it will lead Us to improper Measures—the Navigation of the Potomac is very interesting to our Settlement, if it is perfected according to the proposd Scheme, we shall Save a land transportation of five Hundred Miles, the Rout we at present Pursue, our new Settlement progresses rapidly. Two Hundred Families will be within our City by July & I think we are sure of a thousand families from New England within One Year if we remain in peace

[Franklin Papers,
vol. VIII, p. 1860.
Copy.]

[Benjamin Franklin] to M. Le Veillard—at Passy

April 22. 1788.

* * * * *

“It is very possible, as you suppose, that all the Articles of the propos'd new Government will not remain unchang'd after the first meeting of the Congress. I am of Opinion with You, that the two Chambers where not necessary, and I disliked some other Articles that are in, and wish'd for some that are not in the propos'd Plan:—I nevertheless hope it may be adopted, though I shall have nothing to do with the execution of it, being determined to quit all public Business with my present Employment, * * * ”

[Madison Papers,
vol. IV, p. 28.]

J^s Madison Jr to [Thomas Jefferson]

Virginia Orange April 22. 1788

* * * * *

The proposed Constitution still engrosses the public attention. The elections for the Convention here are but just over and promulged. From the returns (excluding those from Kentucky which are not yet known) it seems probable, though not absolutely certain that a majority of the members elect are friends to the Constitution. The superiority of abilities at least seems to lie on that side. The characters of most note which occur to me, are marshalled thus. For the Constitution, Pendleton, Wythe Blair, Innis, Marshal, Doc^r W. Jones, G. Nicholas, Wilson Nicholas, Gab^l Jones, Tho^r Lewis, Fr. Corbin, Ralph Wormley J^r White of Frederik, Gen^l Gates, Gen^l A. Stephens, Arch^d Stuart, Zach^l Johnson, Doc^r Stuart Parson Andrews, H. Lee J^r Bushrod Washington, considered as a young Gentleman of talents: Ag^t the Constitution, M^r Henry, Mason, Harrison,

Grayson, Tyler, M. Smith, W. Ronald, Lawson, Bland, W^m Cabell, Dawson.

The Governor is so temperate in his opposition and goes so far with the friends of the Constitution that he cannot properly be classed with its enemies. Monroe is considered by some as an enemy; but I believe him to be a friend though a cool one. There are other individuals of weight whose opinions are unknown to me. R. H. Lee is not elected. His brother F. L. Lee is a warm friend to the Constitution, as I am told, but also is not elected. So are Jn^o & Man Page.

The adversaries take very different grounds of opposition. Some are opposed to the substance of the plan; others to particular modifications only. M^r H-y is supposed to aim at disunion. Col. M-n is growing every day more bitter, and outrageous in his efforts to carry his point; and will probably in the end be thrown by the violence of his passions into the politics of M^r H-y. The preliminary question will be whether previous alterations shall be insisted on or not? Should this be carried in the affirmative, either a conditional ratification, or a proposal for a new Convention will ensue. In either event, I think the Constitution, and the Union will be both endangered. It is not to be expected that the States which have ratified will reconsider their determinations, and submit to the alterations prescribed by Virg^a and if a second Convention should be formed, it is as little to be expected that the same spirit of compromise will prevail in it as produced an amicable result to the first. It will be easy also for those who have latent views of disunion, to carry them on under the

mask of contending for alterations popular in some but inadmissible in other parts of the U. States.

The real sense of the people of this State cannot be easily ascertained. They are certainly attached and with warmth to a continuance of the Union; and I believe a large majority of the most intelligent and independent, are equally so to the plan under consideration. On a geographical view of them, ["the Northern Neck are almost" stricken out] almost all the Counties in the N. Neck have elected federal deputies. The Counties on the South side of James River have pretty generally elected adversaries to the Constitution. The intermediate district is much chequered in this respect. The Counties between the blue ridge & the Alleghany have chosen friends to the Constitution without a single exception. Those Westward of the latter, have as I^{am} informed, generally though not universally pursued the same rule. Kentucky it is supposed will be divided.

* * * * *

I shall ask the favor of M^r Griffin to send you by M^r Paradise, or if he should be gone by some other hand, the debates of the Conventions in Penn^a & Massachussetts, and any other publications worth your reading.

[Jefferson Papers,
series 6, vol. II, No.
65.]

W. Shippen Jr. to [Thomas Jefferson]

Philadelphia 22^d April 1788.

* * * * *

The Delegations to y^e Conventions of Virginia & Maryland are said to be in favor of the new Constitution—but there will be a powerful Opposition in each State, but from a Minority. M^r Madison & Col. Innis are opposed to M^r Henry & M^r Mason. * * *

Ed. Carrington to the Hon^{ble} James Madison j^r

[Madison Papers,
vol. XV, p. 96.]

New York Ap^l 23. 1788

* * * * *

The business of the constitution as referred to the Town meetings of Rhode Island, is over without producing any effect. three of the Towns were decidedly for calling on the Legislature to appoint a convention according to the mode prescribed, and this it seems from friendly views to the measure.

The remaining Towns have done nothing decisive of their sentiments—a few of them have apparently voted against it, but it is said & I believe with Truth, that the reason votes do not appear in favor, is that the Friends objected so directly against the mode of proceeding, that they would not act at all. in some others there are votes both for & against & at the same time propositions for insisting on the Legislatures calling a Convention. upon the whole it is a pretty decided matter that Rhode Island will not be amongst the adopting States by June.

We have no Congress but it is expected we shall have one in a few days—this a trifling business which I long to see an end of.

Ed. Carrington to His Excell^{ty} Tho^s Jefferson

[Jefferson Papers,
series 2, vol. XIII,
No. 93.]

New York Ap^l 24. 1788

I was but a few days ago honoured with your favor of the 21. December. having been absent on a trip to Virginia ever since the 1st of Jan^y I was alike cut off from it, and an opportunity of writing you. Massachusetts, Jersey, Pennsylvania, Delaware, Connecticut and Georgia, have adopted the

Constitution—New Hampshire has been in convention upon it, but finding that a majority had assembled under instructions or promises to vote in the Negative, of whom a sufficient number were converted to turn the scale, an adjournment has taken place until June for the purpose of getting such clear of their fetters, and it is not doubted by the Friends of the measure, that this will be effected so that a ready adoption will be the consequence of their reassembling. New York, Maryland, Virginia, North Carolina & South Carolina are to deliberate between this and July—in Maryland & South Carolina no doubt is entertained as to the adoption—in New York & Virginia very active opposition is made and the event is uncertain—in the latter it will depend much upon the ideas entertained in convention as to the issue in N. Hampshire, whose reassembling is to be after the meeting in Virg^a. I am certain that a great majority of our Convention, will be for adopting upon being ascertained that Nine States will adopt, as much worse apprehensions are held from the event of a disunion, that from any thing that is [“imagined” stricken out] in the constitution—We have a party that is truly antifederal headed by M^r Henry, but it will ^{be} limited to a few, unless the federalists who are for amendments, should, from a mistaken view of the probability of the measures being carried into effect by Nine States, be drawn into steps favouring the antifederal scheme—M^r H— does not openly declare for a dismemberment of the Union, but his Arguments in support of his opposition to the constitution go directly to that issue—He says that three confederacies would be practicable & better suited to the good of America, than one—God forbid that I should ever see the trial made—Virginia would

fall into a division from which she might add to her burthens, but could never derive aid of any kind.

North Carolina is to set after Virginia, and it is probable, will follow her—of Rhode Island we say nothing when speaking of American politics.

Of the States which have adopted Jersey & Delaware were unanimous—Georgia we hear was also unanimous—in Pennsylvania the majority was about two thirds & the minority continue much discontented—in Connecticut the majority was about two thirds, the minority acquiescing—in Massachusetts the majority was small the minority acquiescing—the debates of this convention have been published, a Copy whereof you will receive herewith.

It would have afforded me much pleasure to have seen your sentiments fully upon this subject but M^r Madison having gone to Virg^a before my return to this City, I have not seen your letter to him as yet. You ask “would it not have been better to assign to Congress, exclusively, the Article of imposts for federal purposes, & to have left direct Taxation exclusively to the States”. It is probable that the former, aided by the Land Office, might have cleared off the present Debts of the Union, & supported the current expenses of Government during peace, but in a case of War, other resources must be brought into practice, and with a view to such an event, some coercive principle must have been established whereby the federal Government should act with effect, and had this not [“have” stricken out] been interwoven in its civil administration, a military one must occasionally have been put in practice upon delinquent States—the former will never be exercised but when necessary, & then in a way not odious [“to the” stricken

out] or inconvenient to the people the latter must forever be both odious & inconvenient, let the occasion be what it may.

I feel sensibly for your situation with our numerous and too justly discontented foreign Creditors. nor do I see a prospect of relief before the New Government shall get into operation, which must still require some time. the proposition for filling up the Loan in holland provided the Broker be suffered to retain 180,000 Guilders the interest of certain certificates in his possession of our domestic debt, will not be acceded to by Congress, and yet I do not see upon what ground we are to expect that loans will be made upon the common [^{principle} "ground" stricken out]. I should myself be for acceding, because, it appears that it would preserve our Credit until it is probable the New Government would commence, this I think so great an object, that I would not stand on a precise adherence to Systems. We have at present not a Competent Congress to Act in the Case, but from the Sentiments of the members attending, and ["the" stricken out] those of the Board of Treasury, I am convinced the terms would not be accepted. I hope the views of our Creditors are turned upon the revolution which is about to take place with us, and that they may be induced ^{to} continue their patience until time shall produce the issue—I apprehend that amongst the first measures of the new Government, will be that of negotiating Loans for the purpose of satisfying the foreigners to whom the U. S are indebted, as it will require some time to bring into practice the resources from ^{which} money is to be derived

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John Jay to the Honorable Thomas Jefferson Esq^r

New York 24th April 1788

[The Papers of the
Continental Con-
gress, No. 121, p. 296,
Transcript.]

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Since the rising of the late Convention at Philadelphia, Congress has done but little Business, and I apprehend that will continue to be the case while the Fate of the proposed Constitution remains undecided. You will perceive from the public Papers that it has given Occasion to Heats and Parties in several of the States.—

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G^o Washington to The Marq^{ue} de Chastellux

Mount Vernon April 25th 1788

[Washington Pa-
pers, Letter-book 6C,
p 63. Transcript.]

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The Constitution, which was proposed by the fœderal Convention, has been adopted by the States of Massachussetts, Connecticut, Jersey, Pennsylvania, Delaware and Georgia. No State has rejected it. The Convention of Maryland is now setting and will probably adopt it: as that of South Carolina is expected to do in May. The other Conventions will assemble early in the summer. Hitherto there has been much greater unanimety in favour of the proposed government than could have been reasonably expected. Should it be adopted (and I think it will be) America will lift up her head again and in a few years become respectable among the nations. It is a flattering and consolatory reflection, that our rising Republics have the good wishes and of all the Philosophers, Patriots and virtuous men in all nations: and that they look upon us a kind of Asylum for

mankind. God grant that we may not disappoint their honest expectations, by our folly or perverseness!

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Washington Papers—
Letters-book—
p. 100—Transcript

G^o Washington to General Armstrong

Mount Vernon April 25. 1788

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That the proposed Constitution will admit of amendments is acknowledged by its warmest advocates but to make such amendments as may be proposed by the several States the condition of its adoption would, in my opinion amount to a compleat rejection of it; for upon examination of the objections which are made by the opponents in different States and the amendments which have been proposed, it will be found that what would be a favourite object with one State is the very thing which is strenuously opposed by another;—the truth is, men are too apt to be swayed by local prejudices, and those who are so fond of amendments which have the particular interest of their own State in view cannot extend their ideas to the general welfare of the Union—they do not consider that for every sacrifice which they make they receive an ample compensation by the sacrifices which are made by other States for their benefit—and that those very things which they give up will operate to their advantage through the medium of the general interest.—In addition to these considerations it should be rememb^ered that a constitutional door is open for such amendm^ents as shall be thought necessary by nine States.—When I reflect upon these circumstances I am surprized to find that any person who is acquainted with the critical state of our public affairs, and

knows the variety of views, interests, feelings and prejudices which must be consulted and conciliated in framing a general Government for these States, and how little propositions in themselves so opposite to each other, will tend to promote that desirable an end, can wish to make amendments the ultimatum for adopting the offered system.

I am very glad to find that the opposition in your State, however formidable it has been represented, is, generally speaking, composed of such characters as cannot have an extensive influence; their fort, as well as that of those of the same class in other States seems to lie in misrepresentation, and a desire to inflame the passions and to alarm the fears by noisy declamation rather than to convince the understanding by some arguments or fair and impartial statements—Baffled in their attacks upon the constitution they have attempted to vilify and debase the Characters who formed it, but even here I trust they will not succeed.—Upon the whole I doubt whether the opposition to the Constitution will not ultimately be productive of more good than evil; it has called forth, in its defence, abilities (which would not perhaps have been otherwise exerted) that have thrown new lights upon the science of Government, they have given the rights of man a full and fair discussion, and have explained them in so clear and forcible a manner as cannot fail to make a lasting impression upon those who read the best publications on the subject, and particularly the pieces under the signature of Publius.—There will be a greater weight of abilities opposed to the system in the convention of this State than there has been in any other, but notwithstanding the unwearied pains which have been taken, and

the vigorous efforts which will be made in the Convention to prevent its adoption, I have not the smallest doubt but it will obtain here.—

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[The Papers of the Continental Congress, No. 121, p. 298. Transcript.]

John Jay to the Marquis de la Fayette

New York 26th April 1788

* * * * *

You have doubtless seen the Plan of Government recommended by the late Convention at Philadelphia. Six States have adopted it—what the others will do is not certain. It is the Subject of animated Discussions among the People. In this State the Opposition is considerable. A few Months more will decide that great Question.—

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[Washington Papers, Letter-book 6C, p. 71. Transcript.]

G^d Washington to James M^cHenry Esq^r

Mount Vernon April 27th 1788

Not having sent to the Post office for several days your favor of the 20th ins^t did not get to my hand till last night. I mention this circumstance as an apology for my not giving it an earlier acknowledgment.

As you are pleased to ask my opinion of the consequences of an adjournment of your Convention until the meeting of ours, I shall tho' I have meddled very little in this political dispute less perhaps than a man so thoroughly persuaded as I am of the evils and confusions which will result from the rejection of the proposed Constitution, ought to have done) give it as my sincere and decided opinion that the postponement of the question would be tantamount to the final rejection.

tion of it—that the adversaries of the new Constitution Virginia and Maryland view it in this light—and the will pass for the accomplishment of this measure as the denier resort. I have very good reason to believe to adduce arguments in support of this opinion is as unnecessary as they would be prolix—They are obvious,—and will occur to you on a moments reflection.

Tho' the period to which the adjournment in new Hampshire was fixed, no respect to the meeting of the Convention in this State, but was the effect, solely of local circumstances within itself, yet, the opposition here ascribe it wholly to complaisance towards Virginia—Make great use of it and undertake to pronounce that all the States thereafter whose Convention were to precede hers will pursue the same line of Conduct, and of course that those which are to follow will receive the ton from it—Should Maryland fulfil this prognostic South Carolina may indeed be staggered and the prediction of the foes to the Constitution will thereby be realized—for the assertion so far as it respects North Carolina may with some truth I believe be applied while the opposition in New York it is well know will avail itself of every pretext for rejection.

The sentiments of the Western district of this State, are not yet brought to my view—Independently thereof the Majority, so far as the opinions of the Delegates are know or presumed is in favor of the adoption and is encreasing but as the parties from report are pretty equally poized a small matter cast into either scale would give it the preponderancy—Decisions, or indecisions then with you, will in my opinion, determine the fate of the Constitution, and with it, whether peace and happiness—or discord and confusion

is to be our lot. The federalists here see and deprecate the idea of the latter, and there opponents doing all they can to encouraging it as their last hope. Thus stands the matter in my eyes at present.

[Washington Papers, Letter-book 6C, p. 74. Transcript.]

G^o Washington to Dan: of S^t Thomas Jenifer Esq^r

Mount Vernon April 27 1788

Accept my thanks for the obliging information contained in your letter of the 15th ins^t.—The great, the important question must ere this, have received its first features in, if not the fial^{of} your Convention.

If they are decisive and favourable, it will most assuredly raise the edifice.—Seven affirmatives without a negative carries weight with them, that would almost convert the unerring Sister and yet,—but in place of what I was going to add, I will say that, I am

[Washington Papers, Letter-book 6C, p. 76. Transcript.]

G^o Washington to John Vaughn Esq^r

Mount Vernon April 27th 1788

I have received your two letters of the 17th and 21st Ins^t—and the papers containing the four numbers of Fabius whi^h accompany'd them.

I must beg you to accept of my best thanks for your polite attention in forwarding those papers to me. The writer of the pieces signed Fabins, whoever he is appears to be master of his subject; he treats it with dignity, and at the same time expresses himself in such a manner as to render it intelligible to every capacity. I have no doubt but an extensive republication of them would be of utility in removing those impressions which have been made upon the

minds of many by an unfair or partial representation of the proposed Constitution, and would afford desireable information upon the subject to those who seek for it.

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Daniel Carroll to [James Madison]

[Madison Papers,
vol. XV, p. 97]

April 28. 88th

Yr favor from G Town came to hand, likewise yrs of the 10th Instant I receivd a few days past. As I do not know of an opportunity of conveying this to you, it is probable you will see in the papers, the result of the proceedings of our Convention, before this reaches you—It is expected this day will close the important business, if it was not determind yesterday—Our Convention consists of 76 Members, [“in” stricken out] generally of very respectable characters—All present except 2 federalists, (sick)—I conjecture the division will be 62 for the Constitution, 12 against it. If M^r Paca adheres to his public declaration, that he shall vote for the Constitution, even if amendments cannot be obtaind, the division will stand 63 & 11—Our acquaintance M^r Mercer I suppose will be one of the Minority—perhaps you will not be surprizd at this, but I am sure it will give you concern, as it does me. If the Annarundel County election had not taken the extraordinary turn it ^{did,} I may say with certainty there woud not have been a show of opposition—perhaps the adoption woud have been unanimously—

I was fully under the impressions your Letter of the 10th conveys, & had endeavourd to make the same on others—Some events have taken place at the elections, and in Convention, of which when I am more accurately

informd, [^I"you" stricken out] shall communicate to you—

George Town — eod^m die —

I am just informd from good authority that the question was taken on Saturday evening—The Constitution adopted by 63 against 11—No amendments will be proposd even in the Constitution manner—Great illuminations have taken place at Annapolis—The Members having given one Guineas for that purpose—

Madison Papers,
vol. XV [p. 65]

C Griffin to [James Madison]

N: York April 28—

I am favored by your friendly letter of April the 10th how it happened that N^o 69 of publius should have been omitted I can hardly imagine; the neglect shall be done away if any acquaintance or the printer are in possession of that paper.

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I am very sorry to hear that your calculations render the adoption of the constitution so uncertain—I did once think that my conclusion upon the matter was erroneus—but alas! my dear Sir, without a change of opinion when the members assemble I fear the system will be lost; however if it shall depend upon Kentucky Brown is determined to exert all his Influence in favor of it.

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G^o Washington to The Count de RochambeauMount Vernon April 28th 1788[Washington Papers, Letter-book 6C,
p. 53. Transcript.]

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Here, in America, we have not much news worth the trouble of communicating to you, my dear Count, Though I know what is to ourselves often matter of indifference, is to our friends at a distance a subject of curiosity. For that reason, I will subjoin, in one word, a State of affairs on this side of the of the water. All the public attention has been, for many months past, engrossed by new Constitution. It has met with some opposition from men of abilities, but it has been much more ably advocated. Six States, that is to say, those of Massachusetts, Connecticut, Jersey, Pennsylvania, Delaware and Georgia have accepted it. The opinion is that Maryland and South Carolina will soon do the same. One more State, only, will be wanting to put Government into execution. And as the other Convention are to meet early in the summer, we hope for the best.

As t the intimation which your partiality for me has prompted you to make on my behalf: I need only say that every body knows that private life is my decided choice in preference to any thing the world can bestow.

G^o Washington to The Marq^s de la FayetteMount Vernon April 28th 1788[Washington Papers, Letter-book 6C,
p. 77. Transcript.]

* * * * *

I notice with pleasure the additional immunities and facilities in trade, which France has granted by the late Royal Arret to the United States. I flatter myself it will have the desired effect, in some measure, of augmenting the commercial intercourse. From the productions and wants

of the two countries, their trade with each other is certainly capable of great amelioration, to be actuated by a spirit of unwise policy. For so surely as ever we shall have an efficient government established, so surely will that government impose retaliating restrictions, to a certain degree, upon the trade of Britain. at present, or under our existing form of Confederations, it would be idle to think of making commercial regulations on our part. One State passes a prohibitory law respecting some article—another State opens wide the avenue for its admission. One Assembly makes a system—another Assembly unmakes it. Virginia, in the very last session of her Legislature, was about to have passed some of the most extravagant and preposterous Edicts on the subject of trade, that ever Stained the leaves of a Legislative Code. It is in vain to hope for a remedy of these and innumerable other evils, untill a general Government shall be adopted.

The Convention of Six States only have as yet accepted the new Constitution. No one has rejected it. It is believed that the Convention of Maryland, which is now in session; and that of South Carolina, which is to assemble on the 12th of May, will certainly adopt it. It is, also, since the elections of Members for the Convention have taken place in this State, more general believed that it will be adopted here than it was before those elections were made. There will, however, be powerful and elequent speeches on both sides of the question in the Virginia Convention, but as Pendelton, Wythe, Blair, Madison, Jones, Nicholas, Innis and many other of our first characters will be advocates for its adoption, you may suppose the weight of abilities will rest on that side. Henry and Masson are

its great adversaries—The Governor, if he opposes it at, at all will do it feebly.

On the General Merits of this proposed Constitution, I wrote to you, some time ago my sentiments pretty freely. That letter had not been received by you, when you addressed to me the last of yours which has come to my hands. I had never supposed that perfection could be the result of accomodation and mutual concession. The opinion of M^r Jefferson & yourself is certainly a wise one, that the Constitution ought by all means to be accepted by nine States before any attempt should be made to procure amendments. For, if that acceptance shall not previously take place, men's minds will be so much agitated and soured, that the danger will be greater than ever of our becoming a disunited People. Whereas, on the other hand, with prudence in temper and a spirit of moderation, every essential alteration, may in the process of time, be expected.

You will doubtless, have seen, that it was owing to this conciliatory and patriotic principle that the Convention of Massachusetts adopted the Constitution in toto;—but recommended a number of specific alterations and queting explanations, as an early, serious and unremitting subject of attention. Now, although it is not to expected that every individual, in Society, will or can ever be brought to agree upon what is, exactly, the best form of government; yet, there are many things in the Constitution which only need to be explained, in order to prove equally satisfactory to all parties. For example: there was not a member of the convention, I believe, who had the least objection to what is contended for by the Advocates for a Bill of Rights and Tryal by Jury. The first, where the people evidently

retained every thing which they did not in express terms give up, was considered nugatory as you will find to have been more fully explained by M^r Wilson and others:—And as to the second, it was only the difficulty of establishing a mode which should not interfere with the fixed modes of any of the States, that induced the Convention to leave it, as a matter of future adjustment.

There are other points on which opinions would be more likely to vary. As for instance, on the ineligibility of the same person for President, after he should have served a certain course of years. Guarded so effectually as the proposed Constitution is, in respect to the prevention of bribery and undue influence in the choice of President: I confess, I differ widely myself from M^r Jefferson and you, as to the necessity or expediency of rotation in that appointment. The matter was fairly discussed in the Convention, & to my full convictions; though I cannot have time or room to sum up the arguments in this letter. There cannot, in my judgment, be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it—but in the last stage of corrupted morals and political depravity: and even then there is as much danger that any other species of domination would prevail. Though, when a people shall have become incapable of governing themselves and fit for a master, it is of little consequence from what quarter he comes.

Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man, who on some great emergency, shall be deemed, universally, most capable of serving the Public.

In answer to the observations you make on the probability of my election to the Presidency (knowing me as you do) I need only say, that it has no entieing charms, and no fascinating allurements for me. However, it might not be decent for me to say I would refuse to accept or even to speak much about an appointment, which may never take place: for in so doing, one might possibly incur the application of the moral resulting from that Fable, in which the Fox is represented as inveighing against the sourness of the grapes, because he could not reach them. All that it will be necessary to add, my dear Marquis, in order to shew my decided predelection, is, that, (at my time of life and under my circumstances) the encreasing infirmities of nature and the growing love of retirement do not permit me to entertain a wish, beyond that of living and dying an honest man on my own farm. Let those follow the pursuits of ambition and fame, who have a keener relish for them; or who may have more years, in store, for the enjoyment!

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P. S. May 1st.

Since writing the foregoing letter, I have received Authentic Accounts that the Convention of Maryland have ratified the new Constitution by a Majority of 63 to 11.—

Gouv Morris to His Excellency Gen^l Washington Mount
Vernon

[Letters to Washington, vol. LXXII, p. 200.]

Richmond 29 April 1788.

I cannot prevail on myself to omit the present Occasion of offering my Respects, altho I have Nothing to say which is worth your Perusal. It may not however be quite

unsatisfactory to receive even Conjecture on a Subject whose Importance is great and whose Situation precludes Evidence. As far as one who avoids much Enquiry can judge I am led to decide that the Opposers to the new Constitution are fewer and more feeble than they were in this Quarter And would almost venture to predict that if S. Carolina and Maryland shall be tolerably unanimous in the Adoption particularly the latter the Convention of this State will not long hesitate. I am mistaken if some Leaders of Opposition are not more solicitous in the present Moment how to make a good Retreat than how to fight the Battle. It is you know a sad Thing for a great and deep Politician to make a great Blunder and fall in a deep Ditch and yet this may easily happen when Men walk on bad Ground. * * *

[The Papers of the
Continental Con-
gress. No. 70, p. 557.]

W. Smallwood to His Excellency The president of Congress

Annapolis May 1st 1788.

In Council

We have the honour to transmit to your Excellency by M^r Archibald Golder a person of trust, a copy of the proceedings of the Convention appointed by the people of Maryland to consider and decide on the Constitution for the United States of America reported to Congress by the Convention of Delegates from the said United States; as also the Act of the aforesaid Convention of this State, assenting to and ratifying the Constitution so reported, and submitted to their decision

[The Proceedings
and Act are printed
in Doc Hist., II, 97-
102.]

Th: Jefferson to His Excellency General Washington

Paris May 2. 1788.

[Letters to Wash-
ington, vol. LXXII,
p. 205. Jefferson Pa-
pers, series 1, vol. III,
No. 70. Press copy.]

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I had intended to have written a word to your Excellency on the subject of the new constitution, but I have already spun out my letter to an immoderate length. I will just observe therefore that according to my ideas there is a great deal of good in it. there are two things however which I dislike strongly. 1. the want of a declaration of rights. I am in hopes the opposition of Virginia will remedy this, & produce such a declaration. 2. the perpetual re-eligibility of the President. this I fear will ["first" stricken out] make that an office for life first, & then hereditary. I was much an enemy to monarchy before I came to Europe. I am ten thousand times more so since I have seen what they are. there is scarcely an evil known in these countries which may not be traced to their king as it's source, nor a good which is not derived from the small fibres of republicanism existing among them. I can further say with safety there is not a crowned head in Europe whose talents or merit would entitle him to be elected a vestryman by the people of any parish in America. however I shall hope that before there is danger of this change taking place in the office of President, the good sense & free spirit of our countrymen will make the changes necessary to prevent it. under this hope I look forward to the general adoption of the new constitution with anxiety, as necessary for us under our present circumstances.

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[Washington Papers, Letter-book 6C, p. 90. Transcript.]

G^o Washington to The Hon^{ble} Gen^l Lincoln

Mount Vernon May 2^d 1788

I have now to acknowledge the receipt of your favor of the 29 of March which should have been done at an earlier period had any thing transpired in these parts that was worth communicating. I can now with pleasure, inform you that the State of Maryland adopted the proposed Constitution last monday by a very great majority; this you will undoubtedly have announced by the public papers before this letter reaches you, but that State will not receive the sole benefit of its adoption, it will have a very considerable influence upon the decision in Virginia, for it has been strongly insisted upon by the opponents in the lower and back Counties of this State that Maryland would reject it by a large Majority; the result being found so directly opposite to this assertion will operate very powerfully upon the sentiments of many who were before undecided and will tend to fix them in favor of the Constitution, it will if I am not misinformed, have this effect upon many who are chosen to the convention and who have depended in a great measure upon the Determination of Maryland to confirm their opinion. But, exclusive of this influence, the most accurate returns of the members of the Convention, with their sentiments, so far as they were known, annexed, gave a decided majority in favor of the Constitution, & the prevailing opinion is, that it gains advocates daily. I never have, for my own part once doubted of its adoption here, and if I had at at any time been wavering in my opinion the present appearances & concurrent information would have completely fixed it.—

I am very sorry to find by your letter that there is so

much of the spirit of insurrection yet remaining in your State, and that it discovered itself so strongly in your Assembly, but I hope the influence of those Gentlemen who are friendly to the proposed constitution, and the conciliatory disposition which was shewn by many of the minority in your Convention will so far pervade the States as to prevent that factious spirit from gaining ground.

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G^o Washington to The H^{ble} James Madison

Mount Vernon May 2^d 1788

[Washington Papers. Letter-book 6C
p. 95. Transcript.]

Your favor of the 10th Ult^o. came duly to hand, and the enclosure for M^r D. Carroll was forwarded the next day by a direct and safe opportunity—That Gentleman however was not of the Convention, but the body, of which you supposed him a member by a large (60 odd to 12) and decided majority have ratified the new Constitution. A thorn this in the sides of the leaders of opposition in this State—should south Carolina give as unequivocal approbation of the system the opposition here must become feeble for 8 affirmatives without a negative carries weight of argument if not eloquence with it that would cause even the unerring Sister to hesitate. M^r Chace, it is said, made a display of all his eloquence—M^r Mercer discharged his whole artillery of inflamable matter—and M^r Marten I know not what—perhapes vehemence—but no converts were made—no, not one—So business after a very short Session, ended; and will if I mistake not render yours less tiresome.

[Washington Papers, Letter-book 6C, p. 93. Transcript.]

Gr^o. Washington to Gov^r. Morris Esq^r.

Mount Vernon May 2^d—1788

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I have not at any moment, despaired of this States acceptance of the new Constitution and less since the ratification of Maryland by so large and decided a Majority—the fury of the opposition, I believe is spent, the grand push was made at the Elections failing of success therein the hopes of its leaders begin to flag and many of them or I am mistaken wish the business was to commence de novo—in which case a different line of March would be taken up by some of them.

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[Madison Papers, vol. XV p. 90. Jefferson Papers, series 1, vol. III, No. 71. Press copy.]

Th: Jefferson to The honorable J. Madison.

Paris May 3. 1788.

* * *

For public news I must refer you to my letter to mr Jay. those I wrote to him from Amsterdam will have informed you of my journey thither. while there, I endeavored to get as well as I could into the state of national credit there: for tho' I am an enemy to the using our credit but under absolute necessity, yet the possessing a good credit I consider as indispensable in the present system of carrying on war. the existence of a nation, having no credit, is always precarious. the credit of England is the best. their paper sells at par on the exchange of Amsterdam the moment any of it is offered, & they can command there any sum they please. the reason is that they never borrow without establishing taxes for the payment of the interest, and they never yet failed one day in that payment. the Emperor & Empress have good credit enough. they use

it little, & have been ever punctual. this country cannot borrow at all there, for tho' they always pay their interest within the year, yet it is often some months behind. it is difficult to assign to our credit it's exact station in this scale. they consider us as the most certain nation on earth for the principal; but they see that we borrow of themselves to pay the interest, so that this is only a conversion of their interest into principal. our paper for this reason sells for from 4. to 8. per cent below par on the exchange: and our loans are negotiated with the patriots only. but the whole body of money dealers, patriot & Stadholderian, look forward to our new government with a great degree of partiality & interest. they are disposed to have much confidence in it, & it was the prospect of it's establishment which enabled us to set the loan of last year into motion again. they will attend stedfastly to it's ["the" stricken out] first money operations.

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[INDORSEMENT.]

Rec^d Aug^t 1-88

C Griffin to [James Madison]

[Madison Papers,
vol. XV p. 101.]

May 5th

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Maryland has acceded to the proposed Constitution by a great majority. Chase, Paca, Martin, and Mercer opposed it with their utmost vigor and abilities, but with decency. South Carolina will adopt the system very soon. the opposition in Virginia is much to be lamented and in N. York also—however from the present appearance of things I rather incline to believe that in the course of 12 months

we shall have the Government in operation—yet I am not so sanguine as Hamilton or Gen. Knox.

* * * * *

with respect to M^r Paca I had my Information from the honble Colo Howard at Baltimore, but I am told this moment that Paca advocated the system upon the general question tho he did not consider it as the best that could be devised.

[Madison Papers,
vol. XV, p. 193.]

G: Nicholas to [James Madison]

Charlottesville May 9th 88.

I congratulate you on the decision of the Maryland convention.

I am much alarmed by the accounts from Kentucky. Will you commit to paper the reasons that induce you to think that their navigation so far from being endangered, will probably be promoted by the adoption of the new government. Shewing that it is the policy of the different states to insist on it and that from their conduct in Congress latterly on this subject they are themselves convinced of it, will have a great effect.

* * * * *

[Madison Papers,
vol. XV, p. 190. Post
marked New York,
May 11.]

A Hamilton to The Honorable James Madison Esquire
Orange County Virginia

I believe I am in your debt a letter or two, which is owing to my occupations in relation to the elections &c.

Th[“ese” written upon “is”] [“^{are}is” stricken out] now over in this state, but the result is not known—All depends upon Albany where both sides claim the victory—Our doubts will not be removed till the latter end of the

month.—I hope your expectations of Virginia have not diminished.

Respecting the first volume of Publius I have executed your commands—The books have been sent addressed to the care of Governor Randall. The second we are informed will be out in the course of a week, & an equal number shall be forwarded—

* * * * *

J: Brown to Honble Jas Madison Junr

[Madison Papers,
vol. XV, p. 105.]

New York May 12th 1788

I have had the honor to receive your favors of the 9th & 21st of April for which accept my thanks. My hopes respecting the success of the new Constitution in Virginia are in some measure revived by the information you have given me upon that Subject but am ^{still} sorry to find that the number of friends & foes are so nearly divided as to render the Vote of Kentucky of critical importance for I fear nothing friendly is to be expected from that quarter. I yesterday rece^d letters from Col^r Muter & M^r Innes who inform that it has few or no Supporters in that Country—Muter from a warm friend has become a violent enemy to the Plan & that upon general principles. They enclosed me a list of members chosen to represent that District in Convention & further advise that on the 1st Monday in April a Convention was to meet at Danville expressly to take into consideration the New Constitution & instruct & charge their representatives with the Sentiments of the District upon that subject. This measure almost precludes all hope that any good effect will result from a communication of my Sentiments to their Delegates, as I am apprehensive that they will conceive

themselves religiously bound to observe Instructions framed & given with such Solemnity—However as I am personally acquainted with the Men & fully possess their confidence I shall at all events hazard the Attempt.

I have not of late been able to discover any great change in the Sentiments of the People of this State with respect to the New Government. Both parties appear equally confident & have equal expectations from Virginia. Their Elections for Convention are over but the returns are not yet made known—I believe Federalists only are elected for this City—

We have done very little in Congress since you left us—Nine States have not appeared since that time & for a month previous to tuesday last we could not even muster Seven; Nine are again shortly expected upon the floor, as soon as this is the case I shall endeavour to obtain the Determination of Congress upon the Kentucky application. I flatter myself that it will be in favor 'tho' ^{still} have great reason to fear the effects of Eastern Jealousy—My Anxiety upon this Subject daily increases,—should not a determination be had before the expiration of the Act of Separation—or should Congress refuse to grant this request; in either case I fear the consequences may be unfavorable to the Union especially as that District entertains such prejudices against the New Constitution which I hope & believe will be adopted. Let the event of their application be what it may I am convince'd they will proceed in establishing their Independence They have already chosen Delegates to meet in Convention at Danville about the last of July to form a Constitution.

* * * * *

Ed. Carrington to [Thomas Jefferson]

[Jefferson Papers,
series 2, vol. XIII,
No. 94.]

New York May 14. 1788

* * * * *

I had the pleasure to write you pretty fully on the 25th Ult. by M^r Paradise, since which no event has taken place except the adoption of the Constitution in Maryland, by a majority of 63 gainst 11. South Carolina is now sitting, and the general countenance of intelligence from thence, is much in favor of the measure. there seems to be no doubt entertained of an adoption by a considerable majority. should this be the case it will give eight States. Virginia being the next to set, will meet under very critical circumstances, because upon her decision will, in my opinion, depend, not the fate of the measure, but whether some degree of convulsion shall, or shall not, attend its maturation. ^{will have} it gone too far to be retracted, and even Virginia herself, should she in the first instance reject, must afterwards come in—indeed New Hampshire will certainly accede when she re-assembles, and compleate the Nine for giving action to the project, but a decision in the Negative in Virg^a would, in one moment, give additional life to the minority in Pennsylvania, whose opposition has taken a stubborn stand, & the appeal may, in that quarter, be to the sword, nor will I venture a conjecture upon the effect such an effort there, will have amongst the opposers in Virginia. I hope, however, that the [“possible” stricken out] possibility of a calamity of this sort, will have its effect on some of the more wise in the opposition, and incline them to adopt rather than run such a hazard. should Virg^a adopt, we shall at once, have a Government, the issue ^{of} a thorough revolution, without, the violent means which have uniformly been requi-

site for the^e like events elsewhere. I pray God we may exhibit to the world this instance of our superior wisdom & benevolence.

I do myself the pleasure to send you by M^r Barlow a volume containing a number of Periodical papers which have been written in this City upon the occasion of the Constitution. they are written, it is supposed, by Mess^{rs} Madison Jay & Hamilton. the Numbers run to as many more, the remainder are to form a second vol. which will be published in a few weeks, & I will do myself the pleasure to send it to you as soon as it is done.

* * * during M^r Madisons absence in Virginia I am aware of your dependance upon me for regular information upon the progress of the business of the constitution and shall omit no opportunity of writing you.

[Jefferson Papers,
series 1, vol. III, No.
76. Press copy.]

Th: Jefferson to M. Dumas.

Paris May 15. 1788.

* * * our news from America comes down to the 14th of March. at that time the state of the new Constitution was thus. it had been accepted in

Massachusets by 187 Ayes against 168 Noes.

Connecticut	148.	40.
Pennsylvania	46	23
Delaware	22	0
New Jersey	39	0
Georgia	33	0
	475	231.

The conventions of the other states were to meet as follows

Maryland April 21.

S. Carolina May 12.

Virginia May. 26.

New York June 17.

New Hampshire . . June.

North Carolina . . July

Rhode island had not called a convention.

I have received a letter from General Washington wherein he gives it as his opinion that Virginia will accede to it. Mr Madison inclines to the same opinion. in fact if Maryland & S. Carolina should have adopted it, as there is great reason to believe, the motives will become very cogent on Virginia for accepting also. she will see that 8. states have already concurred, that New Hampshire & North Carolina will probably concur, that the opposition to be made by Virginia & New York would have little effect, and joined with Rhode island would even be opprobrious. so that probably she will follow the example set by Massachusetts of accepting the constitution unconditionally, and instructing her delegates to join with those of Massachusetts in urging future amendment. in this case the matter will be fixed by nine states at the close of this month or beginning of the next, and we may have the news by the last of June. it is very possible that the President & new Congress may be sitting at New York in the month of September. * * *

Washington Papers
Letter-book 60,
p. 100. Transcript 1

G^o Washington to The Hon^{ble} John Jay

Mount Vernon May 15th 1788

I am indebted to you for your favors of the 20th & 24th Ult., and thank you for your care of my foreign letters; I do the same for the Pamphlet you were so obliging as to send me. The good sense, forceable observations, temper and moderation with which it is written cannot fail, I should think of making a serious impression even upon the antifeederal mind where it is not under the influence of such local views as will yield to no argument.—no proofs.

Could you, conveniently, furnish me with another of these Pamphlets I would thank you, having sent the last to a friend of mine.

Since the Elections in this State little doubt is entertained of the adoption of the proposed Constitution with us.—(if no mistake has been made with respect to the sentiments of the Kentucke members)—The opponents to it I am informed are now also of this opinion. Their grand manœuvres were exhibited at the Elections, and some of them if reports be true were not much to their credit. Failing in their attempt to exclude the friends to the new government from the Convention & baffled in their exertions to effect an adjournment in Maryland, they have become more passive of late—should South Carolina (now in session) decide favourably, and the Government thereby (nine States having acceding) get into motion I can scarcely conceive that any one of the remainder, or all of them together were they to convene for the purpose of deliberation, seperated from each other as then they would be, in a geographical point of view would incline to with draw from the Union of the other nine.

* * * * *

John Lathrop to His Excellency General Washington.

Boston May 16. 1788

[Letters to Washington, vol. LXXII, p. 251.]

* * * * *

This Sir, is an age of astonishing improvement: Americans I hope will not be wanting in their exertions to come up with Europeans in whatever tends to the dignity of human Nature, and the increase of human felicity. Nothing seems wanting but a good general Government, to make the Inhabitants of this part of the World as respectable and happy as the Inhabitants of any quarter of the Globe.

We are looking with vast expectation and hope to your ancient and venerable State. Massachusetts, in the most difficult and trying times prided herself in acting in strict concert with Virginia: We hope to be united with her and all the Sister States, in that form of Government which was drawn up by the Philadelphia convention, and with all its imperfections, has more to recommend it, than any constitution formed heretofore, by the wisdom of man.

* * * * *

John Jay to the Honorable Thomas Jefferson Esquire

Office for foreign Affairs 16th May 1788

[The Papers of the Continental Congress, No. 121, p. 306. Transcript]

Since the Date of my last, Viz^t 24th Ult: no Letters from you have arrived, nor any Event of Importance occurred except the Accession of Maryland to the Number of the States which have adopted the proposed Constitution. Until that Business is concluded I apprehend that our national Affairs will continue much at a Stand.—

* * * * *

[Jefferson Papers,
series 1, vol. III No.
81. Press copy]

Th: Jefferson to His Excellency the Count de Moustier.

Paris May 17. 1788.

* * * your situation will doubtless be improved by the adoption of the new constitution, which I hope will have taken place before you receive this. I see in this instrument a great deal of good. the consolidation of our government, a just representation, an administration of some permanence and other features of great value, will be gained by it. there are indeed some faults which revolted me a good deal in the first moment: but we must be contented to travel on towards perfection, step by step. we must be contented with the ground which this constitution will gain for us, and hope that a favourable moment will come for correcting what is amiss in it.

* * * * *

[Letters to Wash-
ington, vol. LXXII,
p. 248.]

James McHenry to [George Washington]

Baltimore 18 May 1788.

* * * * *

You will have concluded from the address of our minority that the convention were a little embarrassed on the subject of amendments. A very good friend of yours for whom I have the greatest respect brought us into the difficulty, and we were obliged to leave him to get out of it. The amendments were intended to injure the cause of federalism in your State, and had we agreed to them they were well calculated to effect it.

Tench Coxe to [James Madison]

[Madison Papers,
vol. XV, p. 113.]Philadelphia May 19th 1788—

The fate of the new constitution is now hastening to a crisis. The decision of Virginia in its favor ensures its existence, for South Carolina will most certainly adopt it before you can be organized. If on the other hand your Convention should reject the Government it will be rendered extremely uncertain in New York, New Hampshire, and North Carolina. Had our friends been less sanguine in New Hampshire the Carolina Convention would have had the power of finishing the Business, and your difficulties in Virginia would have been comparatively small.

My feelings on this Subject have induced me once more to attempt some Observations, not so much on the Constitution itself as on its relation to the Prosperity of Virginia & the United States. I have touched likewise on some points that have been made ^a ground of complaint by some of your Gentlemen. I shall enclose you a few copies, & earnestly wish they may be useful. To avoid length & repetition I have gone but little into the argument on the commercial powers of Congress. What I have said ^{on that point} is upon principles different from, tho not opposite to, those in my letter to M^r Lee of which I also enclose a copy—with a couple of German papers, favorable to the Government. They contain the American Citizen & other publications which you have seen. Your mind and time must be now so fully occupied that I will not detain your attention further than just to entr[illegible] that when you can satisfy yourself about the Event of the Business in your Convention you will signify it, whether favorable or otherwise, by a single line.

[Madison Papers,
vol. XV, p. 111.]

C Griffin to [James Madison]

N: York May 19th

* * * * *

I will purchase the Mass. debates and send them in good time to meet you at Richmond.

we have heard lately from m^r Adams—he is greatly mortified at taking leave without the letters customary upon that occasion—and still more distressed that m^r Smith is not continued at the Court of London in some capacity or other. he seems to think that the war will be general, but has given no reasons for that opinion. at the parting scene he was told by the King that he wished always to cultivate a good understanding with the united states, and would amply comply with the Treaty whenever America manifested the same disposition". That the Courtiers jest very much upon our debilitated situation, but all seem to think that the new Constitution if adopted will place this Country upon a respectable foundation—and untill that period arrives they can have no permanent Intercourse with us.

[Madison Papers,
vol. XV, p. 112.]

A. Hamilton to M^r Maddison

New York May 19—1788

Some days since I wrote to you, My Dear Sir, inclosing a letter from a M^r V Der Kemp &c

I then mentioned to you that the question of a majority for or against the constitution would depend upon the County of Albany. By the latter accounts from that quarter I fear much that the issue there has been against us.

As Clinton is truly the leader of his party, and is inflexibly obstinate I count little on overcoming opposition by

reason. Our only chances will be the previous ratification by Nine states, which may shake the firmness of his followers; and a change in the sentiments of the people which have been for some time travelling towards the constitution, though the first impressions ["instilled" stricken out] made by every species of influence and artifice were too strong to be eradicated in time to give a decisive turn to the elections. We shall leave nothing undone to cultivate a favourable disposition in the citizens at large.

The language of the Antifederalists is that if all the other states adopt, New York ought ^{still} to hold out—I have the most direct intelligence, but in a manner, which forbids a public use being made of it, that Clinton has in several ^{conversations} ["constitutions" stricken out] declared his opinion of the inutility of the Union. 'Tis an unhappy reflection, that the friends to it should by quarrelling for straws among themselves promote the designs of its adversaries—

We think here that the situation of your state is critical—Let me know what you now think of it—I believe you meet nearly at the time we do—It will be of vast importance that an exact communication should be kept up between us at that period; and the moment any decisive question is taken, if favourable, I request you to dispatch an express to me with pointed orders to make all possible diligence, by changing horses &c All expences shall be thankfully and liberally paid

I executed your commands respecting the first vol of the Federalist—I sent 40 of the common copies & twelve of the finer ones addressed to the care of Governor Randolph. The Printer announces the second vol in a day or two, when

an equal number of the two kinds shall also be forwarded. He informs that the Judicial department trial by jury bill of rights &c is discussed in some additional papers which have not yet appeared in the Gazettes

[Hamilton Papers,
vol. V, p. 83. Hamil-
ton Papers, vol. XVII,
p. 162. Copy.]

A Hamilton to G Morris Esq^r

New York May 19. 1788

* * * * *

Your account of the situation of Virginia was interesting, and the present appearances as represented ["to me" stricken out] here justify your conjectures—It does not however appear that the adoption of the constitution can be considered as out of doubt in that state—Its conduct upon the occasion will certainly be of critical importance.

In this state, as far as we can judge the elections have gone wrong. The event however will not certainly be known till the end of the month. Violence rather than moderation is to be looked for from the opposite party. Obstinacy ["^{seems}" stricken out] the prevailing trait in the character of its leader. The language is, that if all the other states adopt, this is to persist in refusing the constitution. It is reduced to ^acertainty that Clinton has in several ["constituti" stricken out] conversations declared the Union unnecessary; though I have the information through channels which do not permit a public use to be made of it.

We have, notwithstanding the unfavourable complexion of things, two sources of hope—one the chance of a ratification by nine states before we decide and the influence of this upon the firmness of the followers; the other the probability of a change of sentiment in the people, auspi-

cious to the constitution—The current has been for some time running towards it; though the whole flood of official influence accelerated by a torrent of falsehood, early gave the public opinion so violent a direction in a wrong channel that it was not possible suddenly to alter its course. This is a mighty stiff simile; but you know what I mean; and after having started it, I did not choose to give up the chace.

The members of the Convention in this City, by ["a" stricken out] a Majority of nine or ten to one, will be

John Jay
Robert R. Livingston
Richard Morris
John Sloss Hobart
James Duane
Isaac Rosevelt
Richard Harrison
Nicholas Lowe
Alexander Hamilton

Charles Cotesworth Pinckney to His Excellency General Washington— [Letters to Washington vol. LXXII, p. 259.]

Charleston May 24th 1788—

South Carolina has ratified the fœderal Constitution. Our Convention assembled the 12th Instant, & yesterday the vote of ratification was taken—149 Ayes—& 73 Noes. I enclose you a list of the Members who voted on each side. You will be pleased to find that the names you are best acquainted with, were in favour of the Constitution, and that those who were against it, have declared they would do all

in their power to reconcile their Constituents to its adoption, and would exert themselves in its support.

* * * * *

Major Butler out of a principle of delicacy too refined, declined serving in the State Convention, you will not therefore see his Name among the Yeas or Nays—

[ENCLOSURE.]

[Newspaper clipping.]

AYES.

Messrs. C. C. Pinckney, C. Gadsden, E. Rutledge, D. Ramsay, T. Heyward, jun. E. Darrel, I Motte, T. Gadsden, J. Mathews, E. Blake, T. Bee, D. Desaussure, T. Jones, J. F. Grimke, W. Johnson, J. J. Pringle, J. Blake, D. Stevens, D. Cannon, A. Toomer, H. Rutledge, J. Budd, F. Kinloch, W. Somersall, M. Kalteisen, R. Lushington, N. Russell, J. Smith, L. Morris, E. Lightwood, J. Edwards, C. Pinckney, J. Rutledge, A. Vanderhorst, W. Read, J. Manigault, J. Reed, J. Toomer, H. Laurens, W. Moultrie, H. Laurens, jun. G. Drayton, R. Hutson, T. Fuller, J. Ladson, R. Izard, jun. C. Drayton, W. Scott, J. Glaze, M. Waring, T. Waring, W. Postell, M. Hutchinson, J. Dawson, R. Izard, P. Smith, B. Smith, G. Manigault, W. Smith, J. Parker, jun. J. Deas, jun. J. Huger, T. Karwon, T. Screven, R. Daniel, L. Fogartie, I. Harleston, I. Parker, P. Hamilton, G. Haig, J. Slann, R. P. Saunders, W. Washington, J. Lloyd, J. Crosskeys, J. Pettigrew, J. Barnwell, J. Joyner, J. Kean, W. H. Wigg, R. Barnwell, W. Elliot, J. Stewart, I. Dubose, L. Miles, S. Warren, R. Withers, J. Mayrant, T. Horry, T. Waties, S. Smith, C. Kinloch, W. Allston, jun. T. Allston, D. Morral, W. Wilson, A. Tweed, W. Frierson, T. Legare, R. Munereef, jun. D. Jenkins, H. Wilson, I. Jenkins, E.

Mikell, W. Smelie, J. Postell, J. Fenwick, J. Harlestone, S. Stafford, H. Holcom, T. Hutson, J. M'Pherson, J. Maine, J. A. Cuthbert, J. Lightwood, J. Simmons, S. Deveaux, J. Palmer, H. Maham, S. Dubose, J. Peyre, J. Chesnut, J. Harris, S. Earle, L. J. Allston, J. Thomas, jun. J. Miller, W. M'Caleb, H. Pendleton, J. Hunter, F. Cummins, W. Thompson, P. Warley, L. Lestarjette, J. Rumph, D. Bruce, L. Benton, W. Dewitt, C. Spencer, S. Taylor, R. Brownfield, B. Hicks, jun. S. Smith, W. Dunbar, J. Vince, W. Robison, J. Collins, J. Clark, T. Wadsworth.

NAYS.

Messrs. P. Fayssoux, K. Simons, T. Walter, Jehu Wilson, M. Garner, B. Postell, W. C. Snipes, O. Smith, P. Walter, E. Bellinger, J. Bowman, W. Reed, J. Burgess, jun. J. Chisholm, J. L. Bourquin, jun. T. Sumter, A. Baskins, J. Lowry, B. Cudworth, W. Massey, H. White, T. Dunlap, S. Dunlap, J. Montgomery, J. Lincoln, A. C. Jones, A. Hamilton, E. Martin, J. Calhoun, W. Butler, J. Bowie, J. L. Gervais, R. Hampton, J. Culpepper, W. Fitzpatrick, L. Threewits, J. Threewits, W. Hampton, Æ. Burke, J. Lindsey, P. Waters, R. Rutherford, J. Hampton, S. Saxon, J. Saxon, W. Kennedy, J. Jordan, C. Sims, T. Brandon, Z. Bulloch, T. Taylor, W. Meyer, T. Howell, J. Craig, J. Brown, J. Cook, J. Grey, E. Lacey, J. Brown, W. Miles, J. Knox, W. Hill, R. Patton, S. Watson, J. Martin, J. G. Hunt, S. Lowrey, A. Love, J. M'Gaw, A. Meek, A. Smith, J. Linton.

Rufus King to James Madison Esq^r

New York 25. May 1788.

I leave this city Tomorrow for Boston, and shall be extremely obliged to you to inform me of the Progress and determination of your Convention—you can with difficulty conceive the real anxiety experienced in Massachusetts concerning your Decision—there remains no doubt that a very large majority of the People of Mass: are in favor of the federal constitution—The late Elections for Governor L^t Governor, Senators & Representatives incontrovertibly prove it—M^r Gerry is elected to no Office—M^r Warren the Speaker of the last house is not a member of the Legislature for this year—Hancock has four fifths of the votes for Gov^r and Gerry the residue—M^r Warren who was the antifederal Candidate for L^t Governor has ab^t One fifth of the votes, Lincoln has nearly half but not a majority of the whole number—The other votes for L^t Governor are divided principally between M^r Adams & M^r Gorham—

You will recollect the manner of electing our senate; Thirty one of the forty Members have this year been elected by the people, of which number Six only are antifederal.

The late Elections in Connecticut have confirmed the Decision of their Convention; the leader of the opposition General James Wadsworth who has been many years a member of their Council, and was almost the only Man of any sort of consequence in that State who opposed the federal constitution has not been reelected a Councillor—The Intelligence from New Hampshire is favorable, and I cherish a rational Expectation that they will adopt the constitution by a handsome majority—your correspondence

with Hamilton & others here, will furnish you with the prospects in this State— * * *

H Knox to His Excellency Gen^l Washington

New York 25th May 1788.

[Letters to Washington, vol. LXXII, p. 261.]

* * * * *

We have received no explicit information from South Carolina, the convention of which has been in session nearly a fortnight. Nobody doubts that it will be adopted, although it is well ascertained there will be a considerable party against it. Much will depend on Virginia. Her conduct will have a powerful influence on this state and North Carolina

In this state it appears to be conceded on the part of the federalists that numbers will be against them in the convention, but they hope so many states will previously have adopted^{the} constitution that they shall prevail. It is however doubtful. The party against it in this state are united under the auspices of the Governor and he is supposed to be immoveable—And yet one would think they could not persist in an opposition fraught with the most deadly consequences. The elections will be known in a few days, when a better judgement will be formed than at present.

Colonel Smith has lately arrived from England and informs that Doctor Price and all the friends of liberty in great Britain highly approve the Constitution and ardently wish its adoption. M^r John Adams who probably has arrived in Massachusetts is exceedingly pleased with it, and thinks it the first production ever offered to the human race. It is spoken of by the English ministers as

an admirable form of government and which if adopted will place the American character in a new point of view highly deserving respect.

* * * * *

[Washington Papers, Letter-book 6 C, p. 112. Transcript.]

G^o Washington to The Hon^{ble} R. Dobbs Spaigth

Mount Vernon May 25th 1788

* * * * *

I am sorry to hear that the State of North Carolina is so much opposed to the proposed Government.—If a better could be agreed on, it might be well to reject this, but without a prospect of this Policy, I think recommends the one that is submitted. The Sentiments of this State will soon be known—this day week the Convention is to meet. Since the Election of delegates, the prevailing opinion is, tha a majority of the members are in favor of the Constitution but as they are soon to declare their own sentiments it would be imprudent to anticipate them, were they more certainly know—Maryland has ratified by a very large Majority 63 Against 11:

[Madison Papers, vol. XV, p. 116.]

C Griffin to [James Madison]

N Y. May 26th

I have the pleasure to write you by this post to make a thousand enquiries concerning your health from the Marchioness &c and to enclose you the debates of the Massachusetts convention under seperate covers.

contrary to expectation it so happens that we cannot bring nine states to act upon the floor of Congress, and this day

one of the Maryland Gentlemen is going away which will throw us aback probably for some weeks.

mess^{rs} Jefferson and Adams have lately met at Amsterdam, and have been able to borrow for the united States another Million of florins from the Dutch, upon the prospect of the New Constitution being established, but Congress have not yet ratified the contract yet certainly will do it without a single objection.

* * * * *

Colonel Smith is just arrived from England, but has told us nothing of a secret or interesting nature—the Courtiers are ridiculing our situation very much, and say upon all occasions in a laughing manner that when the united states shall assume some sort of Government then England will speak out.

Gentlemen are perpetually calling to know what will be the event of the Constitution in Virginia—do, my kind friend, at this partiular crisis write to me from time to time that I may give the best information upon the subject.

G Mason to His Excellency Thomas Jefferson Esquire
American Minister at the Court of Versailles

[Jefferson Papers,
series 6, vol. II. No.
72.]

Virginia, Gunston-Hall May 26th 1788.

* * * * *

I make no Doubt that You have long ago received Copys of the new Constitution of Government, framed last Summer, by the Delegates of the several States, in general Convention, at Philadelphia. Upon the most mature consideration I was capable of, and from Motives of sincere Patriotism, I was under the Necessity of refusing my Signature, as one of the Virginia Delegates; and drew

up some general Objections; which I intended to offer, by way of Protest; but ^{was} discouraged from doing so, by the precipitate, & intemperate, not to say indecent Manner, in which the Business was conducted, during the last week of the Convention, after the Patrons of this new Plan found they had a decided Majority in their Favour; which was obtained by a Compromise between the Eastern, & the two Southern States, to permit the latter to continue the Importation of Slaves for twenty odd Years; a more favourite Object with them, than the Liberty and Happiness of the People.

[Enclosure missing.
See page 316.]

These Objections of mine were first printed very incorrectly, without my Approbation, or Privity; which laid me under some kind of Necessity of publishing them afterwards, myself.—I take the Liberty of enclosing you a Copy of them. You will find them conceived in general Terms; as I wished to confine them to a narrow Compass. There are many other things very objectionable in the proposed new Constitution; particularly the almost unlimited Authority over the Militia of the several States; whereby, under Colour of regulating, they may disarm, or render useless the Militia, the more easily to govern by a standing Army; or they may harrass the Militia, by such rigid Regulations, and intollerable Burdens, as to make the People themselves desire it's Abolition.—By their Power over the Elections, they may so order them, as to deprive the People at large of any Share in the Choice of their Representatives.—By the Consent of Congress, men in the highest Offices of Trust in the United States may receive any Emolument, Place, or Pension from a forreign Prince, or Potentate; which is setting themselves up to the highest Bidder. But it wou'd be

tedious to enumerate all the Objections; and I am sure they cannot escape Mr Jefferson's Observation. Delaware—Pensylvania—Jersey—Connecticut—Georgia, and Maryland have ratified the new Government (for surely it is not a Confederation) without Amendments—Massachusetts has accompanied the Ratification with proposed Amendments—Rhode Island has rejected it—New Hampshire, after some Deliberation, adjourned their Convention to June—The Convention of South Carolina is now sitting—The Convention of New York meets in June—that of North Carolina in July—and the Convention of Virginia meets on the first Monday in June. I shall set out for Richmond this week, in order to attend it. From the best Information I have had, the Members of the Virginia Convention are so equally divided upon the Subject, that no man can, at present, form any certain Judgement of the Issue. There seems to be a great Majority for Amendments; but many are for ratifying first, and amending afterwards. This Idea appears to me so utterly absurd, that I can not think any man of Sense candid, in proposing it

* * * * *

Th: Jefferson to Col^o Carrington.

Paris May 27. 1788.

[Jefferson Papers,
series 1, vol. III, No.
86. Press copy.]

* * * I learn with great pleasure the progress of the new Constitution—indeed I have presumed it would gain on the public mind, as I confess it has on my own. at first, tho I saw that the great mass & groundwork was good, I disliked many appendages. reflection and discussion have cleared off most of these. you have satisfied me as to the query I had put to you about the right of direct taxation.

[Extract from this letter. Monroe Papers, vol. VII, p. 877a. Press copy.]

my first wish was that 9 states would adopt it in order to ensure what was good in it, & that the others might, by holding off, produce the necessary amendments. but the plan of Massachusetts [^{is} "was" stricken out] far preferable, and will I hope be followed by those who are yet to decide. there are two amendments only which I am anxious for—

1. a bill of rights, which it is so much the interest of all to have, that I conceive it must be yielded. the 1st amendment proposed by Massachusetts will in some degree answer this end, but not so well. it will do too much in some instances & too little in others. it will cripple the federal government in some cases where it ought to be free, and not restrain it in some others where restraint would be right. the 2^d amendment which appears to me essential is the restoring the principle of necessary rotation, particularly to the Senate & Presidency: but most of all to the last. re-eligibility makes him an officer for life, and the disasters inseparable from an elective monarchy, render it preferable, if we cannot tread back that step, that we should go forward & take refuge in an hereditary one. of the correction of this article however I entertain no present hope, because I find it has scarcely excited an objection in America. and if it does not take place [^{ere long} "soon" stricken out], it assuredly never will. the natural progress of things is for liberty to yield, & government to gain ground. as yet our spirits are free. our jealousy is only put to sleep by the unlimited confidence we all repose in the person to whom we all look as our president. after him inferior characters [^{may perhaps} "will" stricken out] succeed and awaken us to the danger which his merit has led us into. for the present however, the general adoption is to be prayed for; and I wait with great anxiety for the news

from Maryland & S. Carolina which have decided before this, and with that Virginia, now in session, may give the 9th vote of approbation. there could then be no doubt of N. Carolina, N. York, & New Hampshire. but what do you propose to do with Rhode island? as long as there is hope, we should give her time. I cannot conceive but that she will come to rights in the long run. force, in whatever form, would be a dangerous precedent.

* * * * *

Ed. Carrington to The Honble M^r Madison

[Madison Papers,
vol. XV, p. 117.]

New York May 28. 1788

I have the pleasure to acknowledge the receipt of your several favors from Orange & am much obliged to you for them.

M^r Brown informs me that he has sent you full statements of the Foreign & domestic debts—should you find any additional papers useful, be good enough to inform me, and they shall be immediately forwarded. I can however now add to what you have received, some intelligence upon the subject of our debts.—you are acquainted with the steps taken by M^r Adams last year, for negotiating a loan of 1 Million of Guilders—this loan has not been filled up—about two thirds of the Bonds deposited by him with our bankers to be negotiated, have remained undisposed of, owing to the dubious state of our politics—the inefficiency of our old Government [“to ensure payment of our Contracts” stricken out] is too well known in holland to induce the confidence of money lenders, and [“the ” stricken out] doubts whether the new constitution will be adopted have prevented [“that ” stricken out] their taking that as a

ground, on which to depend upon our honesty. as the June interest was becoming due, and as our bankers were also pressed for other indispensable demands, they lately set about some new efforts to get the loan filled—at last they had an offer from one broker only, but it was of a nature rather insulting than otherwise—having in his possession a sum of our domestic securities he offered to fill up the loan, provided he should be allowed to retain one years Interest upon those securities—this would have amounted to upwards of one fourth of the sum loaned—in this embarrassment the Bankers addressed themselves to M^r Jefferson who has gone to holland to see what can be done—from Amsterdam he has communicated this proposition to Congress, & in the mean time is endeavouring to get the loan compleated upon other terms. in France we are undergoing also severe strictures amongst those to whom we owe money.

In the enclosed papers you will receive the late British Act of Parliament upon the subject of our Trade with the different Territories of that Nation—you see that this Court are presunning much upon our remaining in our imbecile state, having confirmed in a formal Act, what they at first tried in only temporary regulations, for oppressing us. in the debates of the House of Commons Notice was taken of the proposed reform in our Government, which might render this an imprudent measure, but the promoters of it, supposed they had but little to apprehend. I trust we shall soon have it in our power to teach this haughty Nation which is the most dependent in an advantageous intercourse—her West India Islands cannot prosper without us—we can do very well with out any thing from thence.

The Gentlemen who are attending here from N. Hamp-

shire, assure me that there will be no doubt of an adoption of the Constitution upon the re-assembling of the convention, as several of the Towns whose members were formerly instructed to vote in the Negative, have given up their opposition—I cannot learn that any Act has taken place declaratory of such a change of sentiment, yet the supposition that it is the case, is presumable, because the persistence of the opposition in that State, must depend on its re-animation in Massachusetts, and of this there is not even a faint prospect—the acquiescence of the Minority there is fully confirmed in the late elections—upwards of two thirds of the Senators returned are declared friends of the Constitution of which discription are generally those who represent the parts of the State where the opposition was the most obstinate.

I shall do myself the pleasure to write you by the next post and shall constantly do so during your session, you will much oblige me by the earliest information of the symptoms discoverable in the convention respecting the important object of your meeting

Dan^l Carroll to [James Madison]

May 28th. 1788

[Madison Papers,
vol. XV, p. 118]

Y^r favor (I believe of the 10th Ult^o) came to hand. Inclosed is a paper containing the address of the minority of our Convention—I wish it may be in my power to convey by Doc^r Stueart, a State drawn up by M^r Hanson (one of the Com^{it}tee) of the proceedings, which will disclose some matters not mention'd in the Address, & may give a different cast to those proceedings—he promis'd to send it after

me—it is not yet come to hand—It is thought the address will be of little consequence in this State: It may however be of some with you to hear both sides. I can at present only send a copy of an address which was read in the Committee, and contended by some of the federalists in that Committee, shou'd attend, or the substance of it, any amendments which they shou'd agree to recommend—This alone serves to give a different cast to the proceedings of the Committee than appears without it. As far as I have been inform'd, the truth is M^r Johnsons accomodating disposition, and a respect to his charae[mutilated] lead the Majority into a Situation, out of which they found some difficulty to extricate themselves—I expect to meet Doc^r Stenart to morrow, and shall refer you to what may be in my power to communicate to him more particularly,

[Enclosure Madison Papers, vol. XVI, p. 54. For a duplicate infra, p. 658.]

Dan^l Carroll to James Madison Jun^r Esq^r

[Madison Papers, vol. XV, p. 119.]

May 28.th 1788
[“you” stricken out]

I have much to say [^{“to”} stricken out] confidentially, and but little time afforded for it. In my last I intimated, that I shoud communicate something respecting our Elections—I shall confine myself to that for Annarundell County. Untill a very ^{few} days before that Election, it was generally believ'd, there wou'd be no opposition to M^r Carroll of Carrollton and the other 3 federal Candidates—The two Chases, Mercer and a M^r Harrison stepd forward ab^t 4 days before. S Chase went into one part of the County and harangued; Mercer & J. Chase did the same in another part—the two latter had sign'd and dispersd a hand Bill, (see the inclosd). The people were alarm'd at their possi-

tive assertions, and I am assur'd when they attended the Polls, a wildness appear'd in many which show'd they were really frightend by what they had just heard—I am sorry to add on this occasion to ^{yr}self only, or such as you can entirely confide in, without my names being mention'd that it is probable M^r Mercer's assertions contributed in no small degree to this effect—Among other things [^{it} "said" stricken out] take the following. A few men had long before projected the propos'd plan of Gov^t M^r Morris [^s "s" stricken out] report to Congress proposing certain specific funds, & the mode of collection which you may remember were read if not debated in Congress, was made out to be part of this plan, & some thing from the French Minister in Support of [^{it} "them" stricken out]—Hence was a Juncto with a French Interest infer'd—This was to be disclos'd to our Convention and be opend in ^{yr}s, and some of the then members of Congress were to be call'd on as evidences to the truth of it. What do you say to this wonderfull plot? Extraordinary as the assertion was in itself, it became more effectual for the purposes intended by some of the hearers, [^{by} "by" stricken out] confounding the time, and takeing up the Idea ^{that} the French Minister was actually concern'd in promoting that scheme at the federal Convention—Again, a Member from N. Hampshire (I believe Langdon) declar'd in Convention that rather than the States shou'd have the power of emitting paper money he woud consent to make General Washington despot of America—further that it was the declar'd sense of the Convention that Tryales by jury^s in civil cases [^{were} "shon'd be" stricken out] taken away. &c^a The Election was carried by a Majority of ab^t 50.—I have been since assur'd that many who were hurried away under

their sudden impressions, see their error, and express their regret—I left Annapolis on Saturday last: the Assembly expected to adjourn in a few days—It has been, I am told in the contemplation of the Minority to take some other measures besides their address—among other projects one has been mentiond of their endeavouring to obtain a number of signers in favor of their propos'd amendments to be communicated to your Convention in some manner or other—I have reason to conjecture you will find on y^r reaching Richmond, a considerable number of hand Bills circulating containing the address of our Minority. Among other matters which have been circulated, there is one which had the effect my Enemies (if I may so call any persons) wishd. I was on a ballot last winter for members of Congress left out by the difference of 2 or 3.—It was imputed to the Majority of the Delegates being Anti-federal; but I find from some Members another matter operated for that purpose—It has come to light that Luther Martin in his Tavern harangues among the members during the sitting of that Assembly had informd many of them that more than 20 Members of the Convention were in favor of a Kingly Government, and that he receivd the information from M^r M^cHenry who had a list of their names on the st printed report of the Committee of Detail—This possitive assertion under the weight of M^r M^cHenry's name had the effect I have mentiond—Some time after the breaking up of the Assembly being informd of what Martin had said, I wrote to M^r M^cHenry who gave for answer, that seeing a list of names on M^r Mercers report, he copied it & ask'd ^{him} what the words for and against meant, who replied, for a Kingly governm^t against it. I wrote to M^r M^cHenry that

as I had been injurd by his names being mentioⁿd I desir'd he wou'd take a proper occasion whilst the Convention was sitting of having justice done me—He has answer'd that on speaking to Mercer, on the Subject, he told him that he meant a National Gov^t to which M^cHenry says | I do not know what you meant, but you said a Kingly Gover^t—This Mercer denies and ^{has} given from under his hand that he neither said Kingly or National Gov^t—I have a letter from Luther Martin wherein he says he had the information from M^cHenry who told him he might rely on persons ^{without Mercer being mention'd} being as mark'd for a Kingly Gov^t—Thus this matter rests at present—it is to be setteld between M^cHenry & Martin on one point, & him & Mercer on another—I ask your pardon for troubling you so much on this Subject—I did not think of mentioning it at least at present, but as something may be said by others (& what may not be expected to be said?) on it, I deem'd it not imprudent to say thus much to you.

I am sorry to inform you that a letter was shown at Annapolis intimated to be from M^r Jefferson—I did not at first believe it to be his—being I think inconsistent with his Character for understanding and discretion, I will add, considering the manner of its circulating not consistent with that delicacy of friendship I thought he possess'd. I was not at liberty to take a copy. The Substance was as near as I can recollect, that he approv'd of the [“Gen^l” stricken out] organization of the Gov^t into Executive Legislative and judiciary: approv'd of the manner of chuseing the representatives, not that he believ'd they wou'd be so well chosen as the present Congress, but from the principle's being preserv'd, that those who grant the peoples money shoud be

their immediate representatives; approves that powers should extend for general purposes; is captivated with the compromise by the representation in the Senate and Representatives—Dislikes the Constitution because it is without a Bill rights—which I think he confinds chiefly to the Security of Religious Freedom, & against Standing armies, tryal by Jury & the Habeas Corpus—Reprobates M^r Willsons reasoning about a Bill of rights ^{& tryall by Jury} & says it only suited his audience (I suppose alluding to his Speech to the Citizens of Ph^a Disapproves most strongly the manner of chusing the President & his being again eligible—apprehends the same consequences as history furnishes in the choice of y^e King of Poland &c^a—Owns he is not in favor of a very energetic Gov^t—^{which} is generally oppressive—The Rebellion in Massachusetts is one in 11 years since our Independence which is one in each State for ab^t 150 years ^{which} — No Gov^t should be longer without. What do you think of these sentiments? the two last particularly the last most so? Can this possibly be Jefferson? When rebellions are crushd, does not the energy of Gov^t generally increase? if they prevail, is there not often danger of their ending in Despotism? Co^l Forrest show'd this letter, without date or name, but said to come under cover—It resembles M^r Jeffersons hand writeing—I have heard that M^r Mercer & Gen^l Smallwood say [“that” stricken out] it is his writeing—Forrest says he believes it to from him^{be}—He concludes the Letter by saying if the Majority of his Countrymen adopt the Gov^t he submits; whilst they are virtuous they will obtain the necessary alterations, thinks that the Case, ^{to be} and will remain so for a Considerable time, whilst Agriculture is their principal employment—

You will see that the above is written in haste. I have not time to revise it, or to add any thing more than to assure you that the Members who compos'd our Convention were in General of abilities and fairness of character—justice woud have demanded this of me, if they had been of different political sentiments from me, it gives ^{me} more pleasure in saying it as ["they were" stricken out] I find my own opinion supported by theirs—["I heard" stricken out] I believe S Chase himself declar'd their weight in the Community to be ["such as" ^{sufficient} stricken out] to carry the Gov^t—I did think ^{is} making some remarks on the proposd Amendments—it however needless to you; I shall therefore only say that on the consideration I have given them, they appear to me useless, or dangerous—One of them (y^e produce of duties to be carried to the credit of the State) damnable, as destroying every chance of our continuing United.

[ENCLOSURE.]

BILL of RIGHTS.
LIBERTY of CONSCIENCE.
TRIAL by JURY.
NO EXCISE.
NO POLL TAX.
NO STANDING ARMY IN PEACE,
WITHOUT LIMITATION.
NO WHIPPING MILITIA,
NOR MARCHING THEM OUT OF
THE STATE, WITHOUT CONSENT
OF THE GENERAL ASSEMBLY.

[Madison Papers.
Prints, vol. 1, p. 18.]

NO DIRECT TAXATION,
WITHOUT PREVIOUS
REQUISITION.

J. T. CHASE.

J. F. MERCER.

[Washington Papers, Letter-book 6C,
p. 119. Transcript.]

G^o Washington to The Marq^s de la Fayette.

Mount Vernon May 28th 1788

* * * * *

Sence I had the pleasure of writing to you by the last Packet, the Convention of Maryland has ratified the federal Constitution by a majority of 63 to 11 voices. That makes the seventh State which has adopted it, nex monday the Convention in Virginia will assemble—we have still good hopes of its adoption here: though by no great plurality of votes. South Carolina has probably decided favourably before this time. The plot thickens fast. A few short weeks will detirmine the political fate of America for the present generation and probably produce no small infuence on the happiness of society through a long succession of ages to come. Should every thing proceed with harmony and consent according to our actual wishes and expectations;—I will confess to you sincerely, my dear Marquis; it will be so much beyond any thing we had a right to imagine or expect eighteen months ago, that it will demonstrate as visibly the finger of Providence, as any possible event in the course of human affairs can ever designate it. It is impracticable for you or any one who has not been on the spot, to realise the change in men's minds and the progress towards

rectitude in thinking and acting which will then have been made.

* * * * *

John Jay to [George Washington]

[Letters to Washington, vol. LXXII, p. 207.]

New York 29 May 1788—

I was two Days ago favored with yours of the 15th Instant. it gives me pleasure to find that the Probability of Virginia's adopting the proposed Constitution rather encreases—such an Event would undoubtedly disarm the Opposition. It appears by recent advices from Charleston that we may count on South Carolina, and the New Hampshire Delegates assure me that their State will come into the Measure.

There is much Reason to believe that the Majority of the Convention of this State will be composed of anti fœderal Characters: but it is doubtful whether the Leaders will be able to govern the Party. Many in the opposition are Friends to Union and mean well, but their principal Leaders are very far from being solicitous about the Fate of the Union. They wish and mean (if possible) to reject the Constitution with as little Debate and as much Speed as may be. It is not however certain that the greater part of their Party will be equally decided, or rather equally desperate—An Idea has taken Air, that the Southern part of the State will at all Events adhere to the Union, and if necessary to that End, seek a Separation from the northern. This Idea has Influence on the Fears of the Party. I cannot find that they have as yet ^{so} looked forward to contingent Events, or even to those the most probable, as to have united in or formed any System adapted to them—

[The Papers of the
Continental Congress,
No. 80, vol. III,
p. 553.]

Nic. & Jacob van Staphorst to The Honble John Jay Esq^r

Amsterdam 2 June 1788

Having in the Course of our Transactions for the United-States of America, been frequently in want of the Journal of the Resolves and proceedings of the Honorable Continental Congress, as the best and only satisfactory Mode of convincing our Money-Lenders, of the Regularity of your Government, the uniform Principle of Honor that has ever dictated its Financial Arrangements and the consequent Credit it merits on these points, as well as the Nature and Variety of your Resources, We have commissioned several of our Friends and Correspondents to procure and forward us a complete Sett of them, but always ineffectually, from the difficulty nay impossibility We are assured of obtaining them but thro' your office; Wherefore We take the Liberty Sir, to request you to have the Sett we desire, transmitted to us. Our Object in this entreaty is we assure, less our own Gratification, than to be furnished with the means of providing in the best manner the Monies, it will be necessary to raise here, to support the Credit of the United-States, until your New Government can be organized and operate to this Effect, and to lay the foundation for transferring the Debt due by them to the Crown of France unto the Money-Lenders of this Country. A Measure your situation must acquaint you, to be much the Wish of your faithfull Ally, and no doubt of Congress likewise. At present it would not be practicable, but we flatter ourselves good Management aided by the Spring your Credit will be entitled to and receive, from the Adoption of a strong efficient Federal system, will render its Execution possible.

* * * * *

A C Hanson to The Honorable James Maddison jun^r

[Madison Papers
vol. XV, pp. 123-125.]

Annapolis June 2, 1788

M^r Daniel Carroll, having understood, that I was about framing a narrative of the proceedings in our late convention, relative to amendments, requested me, some time ago, to furnish him with a manuscript copy, that he might convey it to you, as speedily as possible. I was indeed, at that time, engaged so far as my public employment would admit, in composing an address to the people of Maryland; in which I had an expectation of being joined by four other members of the committee, who were then at Annapolis, attending the general assembly, and the general court. They were indeed doubtful as to the propriety of answering a narrative, which, they conceived, had made little impression on the people, either injurious to the common cause, or unfavorable to the convention and committee. They were also too closely occupied by business, to spare the necessary time. However, I was determined to complete my draught, and, if it should not be published in time to reach Richmond, before the meeting of your convention, I purposed to give M^r Carroll a copy to be forwarded as he desired.

Unfortunately, I was seized by an illness, which disqualified me, for many days, from pursuing my intention; and M^r Carroll left Annapolis before my recovery—

I have just now completed my narrative; but have not had an opportunity of communicating it to my brethren of the committee. Only two of them are on the spot; and, from the dispersion of the rest, I conceive, that, after so considerable a lapse of time, no address will be published by them—

My anxiety for the common cause induces me to take a step, which perhaps cold prudence may condemn. I inclose

you the draught of an address, composed from minutes, taken the day after the convention, by three members of the majority in the committee. Those minutes have been approved by ^{as true} two other members of the majority, and the remaining three being ^{members,} at a great distance from this place, and from each other, have not yet had an opportunity of seeing them.

You have both my consent and request to make any use of the inclosed narrative, which your own judgment may prescribe. But, unless you shall think the cause likely to be thereby promoted, I wish it not to be inserted in the public prints. I send it thus early, that it may not lose the only chance of rendering service in Virginia, either by giving spirits to the friends of the general government, or by discouraging it's enemies, who may look for countenance and support from the people of Maryland.

It will perhaps be suggested, in your convention, that the people of Maryland are dissatisfied with the absolute and unqualified adoption of the government by their representatives; and that they would cheerfully co-operate with Virginia in any plausible scheme, for obtaining a second general convention, either to consider and propose an entire new plan, or to propose alterations of the system, which has already been adopted by a majority of the states—. I am persuaded, that such a suggestion would be destitute of rational grounds; and that ^{the} people of Maryland would spurn at a proposition, calculated to produce so much incurable mischief. You may rest assured, that they wish not to defeat, or even to delay, the execution of that plan of government, which, in 15 counties, they were almost unanimous for adopting, and which, I firmly believe, has more friends

than enemies, in the other three. It is that plan, on which they consider, their political salvation almost entirely depends.

You will have the goodness to excuse the foulness of the inclosed copy. I was really pressed by the want of time.

[ENCLOSURE.]

To the people of Maryland

That the convention of Maryland has faithfully discharged its trust, and omitted nothing, which either its duty demanded, or powers authorized, is a truth, which sophistry cannot conceal or disguise. That it manifested a transient inclination to adopt improper means, for attaining a valuable end, is the only ground, on which by the most rigorous justice it might be condemned. Over this part of ["it's" written upon "this"] conduct both candor and patriotism might wish to draw a veil. It is not however on account of it's manifesting this inclination, that the convention is arraigned. It is in truth censured for not pursuing that inclination, and for not exercising an assumed power, agreeably to the sentiments of a small minority, and contrary to the known sense of the people.

The narrative of that minority, consisting of the whole (A) delegation from three counties appears calculated to impress on the public mind an idea, that the convention were studious to conceal from the people of the several counties the conduct of their respective delegates; that they precluded themselves from the means of information, and ratified the proposed plan of government with an indecent and fatal precipitation; that a defective constitution is adopted, without making any provision for obtaining amendments; and an idea held out to the united states,

A. M: Isaac a delegate from one of those counties may perhaps be improperly be considered as one of the minority. He voted for and signed the constitution, with an expectation of that amendments would be proposed, and hereafter obtained

that Maryland wishes no alteration of the system, notwithstanding the people expected amendments to be proposed, and the convention itself conceived amendments to be necessary; that a committee, appointed to consider and report amendments, after agreeing fully to a considerable number of propositions, declined making the report;—by this conduct deceiving the minority, effecting a premature dissolution of the body, and abandoning the dearest rights of their ["people" stricken out] constituents to the will of an arbitrary power.

The obvious design of all this was to make an impression on the citizens of other states, unfavorable to the proposed federal government; to stigmatize eight members of the committee; and to persuade you, that the proceedings of the convention ought not to be considered as either conclusive, or binding — —. When indeed a few members of a great representative body will not acquiesce in the fullest and most peremptory decision, there is no justification of their conduct, unless they can demonstrate, that the decision was irregular, or that ["no" written upon "the"] determinations of the representatives are ["not" stricken out] binding on their constituents . . . We could have wished these things to be asserted in explicit terms. To reduce their whole narrative to plain simple propositions, and to point^{out} the inferences, which they did not chuse directly to draw, would be better than the most labored refutation.

We cannot for a moment apprehend, that an enlightened people will be induced by that narrative to violate the first leading principles of government; and we mean not to agitate the great question, [^{first in effect} "already" stricken out] determined, by the people in their respective counties, and afterwards by

their representatives, elected and convened for the express and only purpose.

Our main object in this address is to acquit ourselves from a gross and unwarrantable imputation. We are indirectly accused of duplicity, artifice, want of candor, and inconsistency. We mean not, in return, to impeach the minority of a wilful misrepresentation. But, in stating the transactions of the convention, and the origin and proceedings of the ["convention" stricken out] committee, we shall presume to differ substantially from their account. We are far from alledging, that the slight errors in their statement are intentional; but these trifling mistakes, together with the ^{total} omission of some very material circumstances, have probably given["g" stricken out] birth to suspicions, injurious to our characters — —. We shall endeavor to place matters in the light, wherein we viewed them ourselves, and to exhibit them in their genuine complexion. It is not, however, in our power, nor is it necessary, to detail, every minute proceeding. We did not keep a private journal of every occurrence. Upon the rising of convention, our anxiety to return to our private affairs prevented us from doing more than minuting down, whilst fresh in our memories, every material circumstance, which, we conceived, it might possibly thereafter be necessary to disclose. Dispersed as we have since been, and occupied by public and private affairs, it is obvious, we must labor under some disadvantage. We are confident nevertheless, that we shall be able to state, with adequate precision, enough to convince you, and the world, that neither the convention, nor the committee, has been culpable otherwise than by not yielding ^{sufficiently} to the suggestions of the minority ["contrary to the well-known sense of their

constituents" ^{body} stricken out] or in carrying to excess their complaisance and indulgence.

On the day appointed for holding the convention and before the ["convention" ^{body} stricken out] was formed, the ["y" ^{of the majority openly} erased] members communicated their sentiments to each other, and agreed perfectly in the following propositions,—that they, and their constituents, had enjoyed abundant leisure and opportunity for considering the proposed system of a federal government; that it was not probable, any new lights could be thrown on the subject; that (even if it were) the main question had already, in effect, been decided by the people, in their respective counties; that, as each delegate was under a sacred obligation to vote, conformably to the sentiments of his constituents, they ought to complete that single transaction, ["as speedily as for" stricken out] for which they were convened, as speedily as was consistent with decorum —. A prompt determination in this state, they conceived, might have a happy influence in other states; and they expressed a desire, that all argument in favor of an indispensable measure might be omitted. In short, they esteemed wanting, ["except" ^{nothing} written upon "but"] the mere forms of a ratification.—Not that each man expressly avowed these positions; but they were repeatedly declared, and, at the commencement of the session, there ^{seemed} [^] no diversity of sentiment amongst the representatives of 15 counties and two cities.

In conformity to these ideas, every proposition in the convention, tending to bring about a discussion of the ["constitution" ^{system} stricken out] by parts, was rejected. On Wednesday, the third day, was passed the resolve for putting the grand question, on the second reading of the constitu-

tion. But it was clearly understood, that, on this question, each member might be free to speak as often as he should think proper; and a rule, adopted, in the beginning, for preventing any member from speaking more than twice on any question, without leave, had been rescinded. It is worthy of remark, that the members of the minority did not all attend upon the first day. So far was the convention from an indecent precipitation, that the vote on that great question, which had already been substantially determined, was not taken until Saturday. Almost the whole preceding time had been consumed, either in waiting for absent members of the minority, or in the most patient attention to objections, which were familiar to almost every auditor—

On Thursday morning appeared, for the first time, M^r S. Chase. On the second reading of the constitution, he arose, urged a part of his objections, and sat down, declaring “he was exhausted, and would resume his argument on the following day.” The fixed hour of adjournment, which was 3 o’clock, not being nearly arrived, it was expected, that some other member of the minority would rise. But there seemed to be a studied delay. After waiting a competent time, it was proposed and agreed to adjourn ’till after dinner. The object of meeting a second time on the same day was to prevent further procrastination, and to have the business concluded immediately; in case the minority should not proceed with their objections. For, altho’ it might be proper to give each member an opportunity of declaring his sentiments, it could not be expected, that the whole body should await the pleasure of a few individuals —. In the afternoon, M^r Paca appeared. He arose, and said, “he had a variety of “objections; that, altho he did not expect amendments to be

“made the condition of a ratification, he wished them to
 “accompany it, as standing instructions to our representa-
 “tives in congress; that under an expectation of obtaining
 “amendments, he might vote for the constitution; that, with
 “permission, he would prepare his propositions, and, in the
 “morning, lay them on the table, for consideration of the
 “members; that he wished them to be considered before
 “the ratification; because he did not imagine, that, after
 “it, the convention would remain a sufficient length of
 “time.”

That the convention came to a decision on M^r Paca's application, has been erroneously affirmed. M^r Johnson, indeed, expressed an opinion, that “the request was candid and reasonable; and that the gentleman ought to be indulged” He added that, “in order that nothing further might be done, he moved [“to” written upon “for”] adjourn 'till the morning.” An adjournment immediately took place; without any express determination of the house, or any thing said by the president, or any other member, with regard to a compliance with M^r Paca's request.

If from these circumstances any decision of the house might be fairly implied, it was this,—that the convention would adjourn to give time for reflexion on M^r Paca's proposal.

On Friday morning, the question before the house being, as it had been the preceding day “that this convention do assent to and ratify the proposed constitution”; a member from each of 11 counties and the two cities declared to the following effect,—“that he and his colleagues were under an obligation to vote for the government.” The speakers did not all use the same precise form of words. Each man

expressed himself in his own way; and almost all declared further, that "with respect to amendments they considered themselves as having no authority to propose, in behalf of their constituents, that which their constituents had never considered, and, concerning which, their constituents could, of course, have given no directions"—

M^r Paca indeed arose on the subject of his amendments, and was interrupted by M^r G. Gale, who had not been present on the preceding afternoon, and who justly supposed M^r Paca to be out of order; the question before the house being still, "that this convention do assent to and ratify the proposed constitution". M^r Paca remonstrated warmly against the indecency, wherewith he alledged, that he had been treated, "after obtaining permission to read his amendments, and lay them upon the table." But he could not prevail to postpone the consideration of the grand question; and the minority proceeded to state their objections to the government . . . At length, at about 2 or 3 o'clock on Saturday, the question was decided, and the constitution adopted by 63 against 11. It was then resolved to ratify and sign it, on Monday at 3 o'clock; and a committee was appointed to report the form.—

That to all the arguments of the minority the friends to the government without amendments "remained inflexibly silent," was simply (as we have already intimated) because no valuable purpose could be answered by protracting the mere formality of a ratification. If, on that most interesting occasion, the sentiments of the people were binding on their delegates, the minority was no more at liberty to vote for the constitution, than we were to vote against it. Besides, it is hardly to be conceived, that, at this late period, any argu-

ments, contained in a public harrangue, could have flashed conviction on the minds of the minority.

The vote for ratification being passed, Mr Paea again recurred to his amendments. He produced, and read, a paper containing a great number of propositions, which have since been laid before you. He declared that, "with an expectation of their future adoption, he had voted for the constitution; that, with them, his constituents would receive it; without them his constituents would firmly oppose["d" stricken out] it; he believed, they would even oppose it with arms." — ——. It is stated by the minority, that, at one time, "a general murmur of approbation seemed to arise from all parts of the house, expressive of a desire to consider amendments, either in their characters as members of convention, or in their individual capacities as citizens."—In what light the subject was viewed, and on what footing amendments were considered by the convention, and the committee, may best appear from the proceedings of each . . . No part of the proceedings of either can demonstrate, that a majority esteemed amendments necessary to perfect the constitution. An opinion was indeed taken up, by some gentlemen, that, altho' they could ^{not}, in their conventional capacity, propose amendments to the future congress, in behalf of the people, they might, ["nevertheless" stricken out written upon "notwithstanding" erased] nevertheless, in their private capacities, to gratify the wishes of some of the minority, make certain propositions to the people themselves.

This novel distinction between the convention acting in virtue of it's delegated powers, and its members, as a body,

acting agreeably to the common right of citizens, was admitted without reflexion—. The members of convention did not, we acknowledge, by accepting an elevated trust, forego the common right of delivering their opinions and advice. But, assuredly, until the convention was dissolved, its members would not, nor could they, whilst acting in a body, be supposed acting in their private characters; and, if they meant propositions to go from them as private individuals, they should have made them after the dissolution of the body. They might indeed have done this, even during the time of the session, provided they did not make it the act of the body, but only of so many individuals, as should voluntarily associate for the purpose.

It was merely from not perceiving this matter in a true light, that the convention has erred. Happily, it did not persist in the error long enough to injure the common cause of America. The scheme of proposing amendments, for consideration of the people of Maryland, originated from a desire of conciliation; and we proceed to shew, that the 13 propositions did not, in the manner stated by the minority, obtain the committee's approbation.

After a short but perplexed debate, on several motions tending nearly to the same effect, the following proposition was reduced to writing and passed viz.

“That a committee be appointed to take into consideration
 “and report to this house, on Monday morning, a draught of
 “such amendments and alterations as may be thought necessary in the proposed constitution for the united states, to
 “be recommended to the consideration of the people of this
 “state, if approved of by this convention.”

The gentlemen appointed on this committee were

M ^r Paca	M ^r Hanson
Johnson	J. T. Chase
S. Chase	Lee
Potts	W. Tilghman
Mercer	M ^c Henry
Goldsborough	G. Gale
J. Tilghman	

And to this committee were referred the propositions of M^r Paca.

It would appear, from the address of the minority, that no less than 66 members out of 73 were of opinion, that amendments to the constitution were necessary, to protect the rights of the people; and that, inasmuch as the convention was not authorized to propose amendments, in behalf of the people, the members ought, either in their conventional, or private, capacities, to point out the necessary alterations and additions, for the consideration of the people themselves. But we contend, and an exact full detail of the proceedings would incontestibly shew, that the scheme of proposing amendments to the people originated merely from the principle of accommodation; and it was imagined by some gentlemen, that this scheme would effectually put an end to all opposition within the state of Maryland — —. For our parts, we were so far from thinking amendments either necessary to perfect the System, or proper on the principle of accommodation, that we regretted the embarrassment, into which the Convention was thrown. The majority of the Committee, before it met, communicated to each other their ideas. They considered the necessity of accommodating

themselves to the disagreeable situation, resulting from an earnest, and perhaps unparalleled, disposition in a great Representative Body to gratify and conciliate a few men opposed to the general sense of the state. It was, however, their decided Opinion, that nothing, to be contained in the propositions to the people, should hold out any idea of the propriety of changing the Constitution in any essential Point; altho' they might go so far, as to explain it, agreeably to what it's friends supposed the true construction, and to restrain the Congress from doing those things, which, on a true construction, it has not power to do; or which, if it had, it's own policy would not permit it to perform. They hoped that, by going thus far, the Convention might be extricated from it's embarrassment, and perhaps induce the Enemies of the Government to desist from their Opposition.

The Committee assembled, on Sunday morning, and proceeded to consider M^r Paca's amendments. After two propositions had been acceded to, it was observed by a member of the majority, that "as they had met on a principle of Conciliation he wished before they went further, an explanation might take place. As there had been doubts entertained from general expressions in the plan of Government, which were supposed by some men to give congress discretionary powers, and, as some explanation of these might tend to quiet apprehensions, he should probably agree to such amendments as might have that effect, without endangering the constitution; provided they should go forth as the act of private individuals, and provided no others be attempted than should be agreed to in this committee. He wished it to be understood

“that he should agree to no more than the two already
 “acceded to, except sub modo &c.

[“To this proposal, of an explanation and compromise no
 direct decisive answer was given; and the author of it after-
 wards agreed to no other proposition of amendment” stricken
 out]

To this proposal of an explanation and compromise no
 direct decisive Answer was given, and the Author of it after-
 wards agreed to no other proposition of amendment. M^r
 S. Chase remarked, that “the Committee ought to proceed
 “and endeavour to agree to the amendments, which the
 “Constitution requires; that, if they could not agree, each
 “member would be at liberty to take, in the convention,
 “or any other place, the part, he might think proper.” It
 then seemed the wish of all to report something, which all
 might maintain in the convention. —

On Monday the second day of the Committee, in con-
 formity to the ideas of the majority, the following rough
 draught of an Address was produced:

“In Convention. Annapolis 1788.

“To the people of Maryland—

“When we signed and ratified, for ourselves, and on your
 “behalf, the constitution for the U. S. we concluded our
 “authority to have expired with that act: but, at the same
 “time, when we reflected, how essential it is to the proper
 “administration of the best government, that it should
 “possess, as far as possible, the approbation of every part
 “of the community, we have presumed to lay before you
 “propositions, that may tend to quiet the apprehensions of
 “those, who may have conceived additional securities and

"guards necessary, to prevent any abuse of it's powers. We
 "must however acknowledge, that we hold ourselves incom-
 "petent, until we shall have experienced the operation and
 "inconveniences of the government, to ascertain its defects,
 "with precision and certainty. Besides, if we could have
 "ascertained them, we were not sufficiently informed, to take
 "upon ourselves to say, what would please you, and remedy
 "them, without too much weakening its authorities, or
 "destroying some of it's indispensable provisions. We
 "moreover find embarrassment, from a contrariety of senti-
 "ment respecting the alterations, as well amongst its friends
 "as opposers; which discourages us from giving ["a" writ-
 "ten upon "our" erased] decided opinion on any one. All
 "therefore, that seems left for us, in such circumstances, is
 "to point your serious attention and mature deliberation to
 "the subject, attended with our wish, that should all, or any
 "of the proposed alterations, meet your approbation, you
 "will put them in a constitutional train, to make a part of
 "the constitution—

Not a syllable has been said, in the narrative of the
 minority, concerning this proposed draught of an address.
 But you will readily perceive it's importance, for explaining
 truly the conduct of the committee. We conceived an
 address to have a strict natural relation to the business of
 the committee; and that an address must, of necessity,
 accompany any propositions, that might be laid before the
 people; to explain the motives of the convention, and the
 footing, on which the people were to receive the propositions.
 The proposed draught, therefore had ^{been} prepared and commu-
 nicated to the majority, before the first meeting of the
 committee.

["Not a syllable" stricken out]

Mr S. Chase objected to a part, which he marked with his pen. But nobody objected decidedly against reporting an address. He said, "altho' it was not regular, it was a matter of little importance; provided it should be so worded, as to give no offence, and cast no reflexion." On this day, he declared positively, "he should think himself at liberty to propose to the convention whatever he might esteem proper, in addition to the report, and to oppose any thing, it might contain." It then seemed to be generally understood, that each member of the committee should hold himself free to advocate, or oppose, the whole or any part of the report.

There is an ambiguity in the minority's narrative, which we think proper to clear. We deny, that all the Members (as they say) who voted for the ratification, declared absolutely, that "they would engage themselves, under every tie of honour, to support the Amendments, they had agreed to, both in their public and private Characters." Some of them indeed so declared; "provided it were understood, as an express Condition, that no proposition of Amendment be laid before the Convention, except such as might be contained in the Committee's Report."—We deny too, that this declaration was made after the whole 13 propositions were acceded to altho' we cannot ascertain the precise stage, at which it was made.

In the two first days of the Committee the 13 propositions mentioned in the narrative were acceded to; & many others were proposed, and rejected. Amongst the rejected were, in substance, the 3 propositions, which are said to have constituted the minority's ultimatum.

On Tuesday, the last day of the Committee, those three propositions were offered for consideration, and the question,

"Whether they be now considered" was determined in the negative by 8 to 5

Mr Potts	} Neg:	Mr Paca	} Affirm:
Goldsborough		Johnson	
J. Tilghman		S. Chase	
Hanson		Merceer	
Lee		J. T. Chase	
W. Tilghman			
M ^c Henry			
Gale			

The aforesaid 3 propositions, with which the minority of the Committee have declared they would have been content, were so repugnant to our sentiments, that the uncertain prospect, we had of ending all Opposition, could not induce us to offer them in any shape ^{to the people}. Had an Agreement taken place in the Committee, there was still nothing to restrain the ["m" erased] other members of the Convention from moving additional propositions—. The acceding to 13 propositions was, on our parts a mere concession, and if in return for these, nothing certain was to be conceded by the minority, it would have been reasonable and proper, ^{on that account, to decline a report.} ["to withdraw the concession," stricken out] and to rely on the good-sense of the Convention, after three days reflection, to perceive the futility of the distinction, ^{and the weakness of the principle,} on which the Committee had been appointed

But it was not our intention to withdraw the Concession, and our declining to report was owing to the Conduct of the minority in Committee. After rejecting the aforesaid 3 propositions, the forementioned draught of an address was proposed for consideration, to be reported with the 13 propositions. The minority objected that "no such matter

had been referred", and the Chairman suggested, that "The Committee might return to the House and apply for "Authority"; meaning, as we apprehend, that the 13 propositions should be first reported. This did not meet the Committees approbation; as it might perhaps have defeated their purpose of making propositions merely for consideration of the people, without giving the weight of the Convention's Opinion, that they were at all necessary, except on the principle of Conciliation.— Several of the majority declared, that "in acceding to any propositions, which had "been made, they had constantly kept in view the address, "which was to accompany them, for the purpose of explaining, that they were submitted on the principle of accommodation, & with a view of quieting apprehensions;—that "they never once conceived amendments necessary, to perfect the plan of Government; and that they would not "have voted for amendments to be held out in that light."— "It was however insisted, that, as the committee had agreed "to a number of propositions, they ought to be signed and "reported." On the other hand, it "was insisted, that, if "any member had voted on a misconception of the footing, "on which the propositions were to go to the people, he "should, on finding his mistake, have an opportunity of "retracting; and the propositions ought to be reconsidered. It was suggested also, that "after going thro' them, one by "one, it was proper to take a vote upon the whole together; "that the committee did not before fully to comprehend^{seem} "each other; that, on the principle of accommodation, the "expedient of submitting propositions to the people might "be proper, provided an accommodation did really take "place; that a great deal of mischief might result, if, after

“both sides had agreed to certain propositions, on that principle, other propositions were to be made, on which men would be divided; that, if, after the committee had concluded, the convention were to go on, without limitation, to consider amendments to every part of the constitution, nothing but confusion could follow; and it would be far preferable to abandon the scheme of accommodation, and make no report.

Whilst the committee was thus debating, it was repeatedly called upon by members of the convention to return. A regular message also informed it of the impatience of the house and requested its attendance. Without taking regularly the sense of the committee whether the address be considered and reported, or whether without the address, the 13 propositions be signed and reported,—the chairman arose, declared, he would return to the convention; and thus was the committee broken up—

The chairman informed the convention, that the committee, after agreeing fully to 13 propositions, refused to sign the report. He read those ^{notwithstanding} [“13” written upon “the”] propositions, together with the three principal propositions, which had been just rejected by the committee. ^{It is needless to narrate further.} A vote of thanks to the president, and an adjournment without day, within a few hours, concluded happily the proceedings of the convention.

Conscious that on this great occasion we discharged the most sacred trust with punctuality and zeal, we apprehend not the censure of our intelligent and patriotic countrymen—. The reproaches of the malignant we shall ever despise.—

May the people of America always possess wisdom to discern their interests! May they ever prize, as they ought, the blessings of peace, order, and good government! May the genius of concord, mild toleration, diffuse ^{it's} ["amongst ^{gentle spirit amongst them} them its happy influence" stricken out]! May ["true" ^{source of every generous and humane affection} written upon "it"] liberty drive from this favored land ["dissension and" stricken out] licentiousness and anarchy, ["it's" written upon "the"] deadliest foes! ["foes to freedom!" stricken out] And may reason here establish its throne on the lasting foundations of justice — —

["Maryland" stricken out]

["On the 2^d day of June 1788" and illegible words stricken out]

[Indorsement]

Memorandums for the Convention of Virginia in 1788 on the federal Constitution—

[Madison Papers, vol. XII, pp. 74, 75. Also vol. XII, pp. 74, 75. Copy.]

It appears that it was the design of Clodius to extend the suffrage to all the freedmen in the several tribes of the City, that the Tribunes might by corruption the more easily foment seditions. Cicero's Milo with the note

Above 30,000. voters in some Counties of Eng^d 3,000. only in all Scotland—Dalrymple F. P.

Writ of Error lies from B. R— in Irel^d to B. R. in Eng^d—

Blackst.

d^o d^o from Wales to B. R. Jenkins' Cent, &

I W & M. c. 27.

as to Scotland into Parliament. See 6.

Ann. c. 26. sect. 12.

— difficulty of drawing line between laws apparent in Act of

Union between Eng^d & Scotland— Art: 18. The laws concerning regulation of trade, Customs &c. See abridg^t by Cay—Vol. 2. 384—under “Scotland”. —For line between Courts—see art: 19.

Roman Empire more yⁿ 2000 m. from N. to S. more yⁿ 3000 from W. to E. ^{Gibbon} population of d^o ab^t 120 million including slaves who ab^t $\frac{1}{2}$. this more yⁿ in Europe. Id.

Spain	700 by 500 miles	Eng ^d	360 by 300
France	600 by 500	Scot ^d	300 by— 150
Italy —	600 by 400	Denmark	240 by 180
Germany	600 by 500	Norway . .	1000 by 900.
Poland	700 by 680		
Sweeden	800 by 500		

Examples shewing defect of mere confederacies

Amphyctionic League. See

Lycian d^o

Achæan d^o

German d^o—note Germany has more than 150 sovereignties

Swiss d^o

Belgie d^o

United Colonies—see

Albany project—see Albany papers.

Articles of Confederation

Hanseatic d^o

Union of Calmar. See p. 4.

Eng^d & Scotland—formed in 1706. by 32 Comsrs app^d for each Kgd^m: they sat from April 18th to middle of July—they were app^d by crown by acts of two Parl^{ts} restrained from treating of Religion The Sotch had got y^e notion of a

[The body of the paper begins with this line. The preceding notes are on a half-sheet prefixed.]

federal union like Holl^d & Switz^d Eng^d opposed decidedly an^d other reasons, because if differ^t Parl^{ts} eith^r c^d break it when pleased—

Many had despaired of Union as Burnet himself.

In Scotland opposed violently, particularly by [“many of y^e superior Nobility” ^{those who were for a new revolution—as Union fatal bar to it} stricken out]—carried in Parliam^t by inconsid^{ble} majority—The presbyterians bro^t into opposition by persuasion y^t religious rights w^d be in danger—this arg^t used most by those known to be most adverse to that Religion—especially Dutches^s of Hamilton & son, who as next in succession hoped for Crown if separate Kingdom.

Gen^t arg^{ts} vs Union in Scot^d—

1. antiquity & dignity of Kingdom to be given up & sold.
2. departing from Independ^t State & to be swallow^d by Eng^d
3. w^d be outvoted in all questions by Eng^ds superiority in Parl^t
4. Scotland no more be reg^{ded} by foreign Nations.
5. danger to the Kirk—

Finally, Scotch parl^t prevailed on to annex conditions which advisers tho^t w^d never be ag^d to & thus the plan be defeated—

Opposers of Union find^g majority vs them—endeav^d to raise storm out of doors—petitions, addresses & Remonstrances came up from all quarters, instigated by minority—Even riots excited ab^t Parl^t-House.

In Engl^d alarm also for Religion, & act passed to secure it—H. of Comons unanious—Lords 50 & 20.

Sweden

2 remarkable circumstances—1. Citizens—elect by votes the multiples of y^r property—some rich merchants have several hundred votes. 2. Country gentlemen, between nobles & peasants — have no votes in electing the latter order — are not represented nor eligible at all — Constⁿ Prior to 1772. alternately monarchical & aristocratic — Foreign powers had [“great” stricken out] agency in producing y^e ^{chief} Revolution of 1772—King had ab^t y^t time only 2 Companies of guards — — [Power of King reduced to its lowest ebb ab^t time of Revolution—Sheridan] [the power of peasants predominant originally—hence alternate anarchy & tyranny. Id.]—on death of Ch: XII. [“all power” stricken out] all prerogatives of Ex. abolished—hence legis: soon exercised Ex. & Judic^l power both — any 3 out of 4. houses competent to legislation—

Denmark.

The change in 1660. produced by the aversion to y^e Nobility—who as fendal lords had almost all power, the peasants being slaves to them—the two other orders the Clergy—and Comons or represent^s of Towns —^{The Clergy were the great agents in the revolution & the King rather passive}—L^d Molesworth saith, Denmark differed little from an aristocracy when it became an absolute monarchy—

France—

The 3^d estate was composed accord^g to Robertson of Rep^t of Cities &c within King's demesne only—and the tillers

The Revolⁿ of 72. owing to unpopularity of Diet owing to abuse of power from union of Ex & Judi^l with Legis^l factions venality & foreign influence—The people favored the enterprise of y^e King—

of the earth the greatest body in all countries nothing or represented by the Nobles—

Spain—

Peasants never represented in Cortes—quere—

Poland

153 Senators—about 200 Nuncios—

Examples of hostile consequences of rival communities not united by one Government.

All the antient & modern Confederacies.

Saxon Heptarchy(a)—England and Scotland(b)—G. B. & Ireland Eng^d & Wales—

Antient Republics of Italy—before Roman Empire

d^o . . . after dissolution of d^o
[anno 827]

(a) “Thus were united all the Kingdoms of the Heptarchy in one great State near four hund^d years after 1st arrival of Saxons in Britain; and the fortunate arms &c. of Egbert^[King of Wessex] at last effect^d what had been so often attempted in vain by so many princes” Hume vol. 1. p. 59.

“Kent, Northumberland and Mercia had successively aspired to general dominion” Id. p. 60.

(b) question in 1713 in H. of Lords for dissolving Union as not answering & ruinous to Scotland, carried in negative by 4 voices only. Deb. Peers 11. 313—Burg. 3. 360. Harrington (pol. aphorisms 49. 50. 51—page 517—pronounced the Union destructive to both Eng^d & Scotland—

Heptarchy reduced to two, after some ages—Mercia & W. Saxons—& then one (Egbert) See Kenet. vol. 1. p. 37. for an apt & short quotation as to Heptarchy

England & Wales prior to union under Edw^d I—& more fully under H. VIII

Union ["of" erased] ^{at} Calmar in ["1385" ¹³⁹³₁₃₉₇ stricken out] of Sweeden-Denmark-& Norway-formed by Margaret Queen of the 2 last & elected Queen also of y^e former.—She convoked the deputies of y^e 3. Stas Gen^l at Calmar—40 from each attended & formed y^e Union or Treaty—main ^{used by Queen} argum^t [^] y^e contentions & wars when disunited—

Union consisted of 3 principal articles:

1. y^t the 3 Kgdms which were each elective-s^d have same King to be elected by turns out of each, with an exception however in favor of offspring whom the 3 Sts might elect—

2. The King to divide his residence by turns am^g each, & to spend in each y^e revenues of each Crown

3. The most important that each s^d keep its particular Senate-Customs-privileges-Gov^r-Magistr⁻-Gen^{ls}-Bishops & even troops & garrisons to be taken from respective Kgdms—so that King s^d never be allowed to employ subjects of one in another; being mutually regarded as strangers—

This Union, thus imperfect, increased y^e ^{mutual} enmity & laid foundation for fresh & more bitter animosities & miseries—

["Examples of the Representative principle in Antiquity." stricken out]

Danger, if disunited, 1. of foreign Invasion by sea. 2. of Eastern invasion on S. Sts—

Examples of invasions of defenseless coasts—Such more formidable than by land, because more sudden & easily supported by supplies—

Romans invade England

(a) Saxons invade England Egyptians & Phenicians invade Greece

Danes d° Greece d° Italy

Normans d° Carthaginians d° Italy & Spain

(b) Danes d° France Visigoths from Spain—Barbary

[“Normans France” stricken out] d°

English Ireland

Europeans America

d° East-Indies

d° Africa

Countries without navy conquerable in proportion to extent of coast—England more frequently & thoroughly conquered than France or Spain—

Sparta.

2 Kings— | the two jointly forming a Council with power
28 Senators | of life & death—

Senate—1 for life

2 vacancies filled by popular election, out of Candidates 60 years^{old}

3 had right of convoking[^] & proposing to Assemblies—as had Kings

4 decrees of no force till ratified by people—

Kings—were for life—in other respects like 2 Consuls
Generals during war—presided in assemblies & public sacrifices in peace—c^d propose to assemblies—dissolve them when convoked by Kings—but c^d do nothing with consent of

(a) See Hume Hist: vol. 1.

(b) *ib.* vol. 1. p 192-70.

^ Usurped this right—

nation—the 2 Kings always jealous & on ill terms with each other—were watched by field deputies in war—

People

Assemblies general & particular—former of all Citizens—latter of Citizens of Sparta alone had power of peace & war—treaties—great affairs—& election of Magistrates—

Ephori—chosen annually by people, and concurred in y^r behalf with Kings & Senate over both whom they had authority—They had more authority yⁿ Tribunes—presided at elections of Magis^{trates} demanded acc^t of y^r administration—could imprison Kings—had the administration of money—superintended Religion—in fine directed every thing—lands divided in 30,000 shares—

Carthage—

500 years, says Aristotle without ^{any considerable} sedition—or tyrant—3 different authorities—Suffetes—Senate—people

Suffetes—like Consuls—and annual does not appear by whom chosen—assembled Senate presiding—proposing & collecting y^r votes—presided also in Judgment of most important affairs—sometimes commanded armies—at going out were ^{made} Pretors

Senate—composed of persons qualified by age—experience—birth—riches—were the Council of State—& the Soul of all public deliberation n^o not known—must have been great since the 100 drawn out of it.—Senate treated of great aff^{rs} read letters of Generals—rec^d complaints of provinces—gave aud^s to ambass^{es} and decided peace and War—When Senate unanimous decided finally—in case of division people decided—Whilst Senate retained its authority says Polybius—wisdom & success marked every thing—

People—at first gave way to Senate—at length intoxicated by wealth & conquests, they assumed all power—then cabals & factions prevailed & were one of the principal causes of the ruin of the State—

Tribunal of 100—composed of 104. persons—were in place of Ephori at Sparta, according to Aristotle—& instituted to balance the Great & the Senate—with this difference y^t here the Council was perpetual—Generals accounted to them—

Tribunal of 5—taken out of 100 above—duration of office unknown—like y^e Council of 10 at Venice—filled vacancies—even in Senate—had great power—but no salaries—became tyrannical—

Rome

(exclusive of people)

power of Senate . 1. care of Religion. 2. to [“arrange”
^{regulate} stricken out] the provinces. 3. over public treasury and expences of Gov^t with app^t of stipends to Generals—n^o of troops—& provisions & cloathing for armies—^{with such instructions} 4 app^d & rec^d ambass^{rs} & gave such ans^{rs} as they thought fit. 5 decreed thanksgivings—& conferred honor of triumphs 6 inquire into crimes & treasons at Rome & in Italy—& decide disputes among dependent cities 7 interpreting dispensing with, & even abrogating laws—8 arm Consuls with absolute power—darent operam &c—9. prorogue & postpone [“power of Cons” stricken out] assemblies of people—pardon & reward—declared any one enemy—Middleton on R— Sen.

power of Senate—to propose to people who c^d not originate laws—this taken away by y^e Tribunes—& Senate not only obliged to allow assemblies at all times to be

Gracchus transferred
 y^e crim^l jurisdiction
 to equestrian order—

ambassadors taken
 from y^e own body—
 Code d Humanité

called, but to agree beforehand to whatever acts of the people
Idem.

power of Senate unlimited almost at first—except
legisl: power—choice of Mag^{tres} and peace & war—all
power in Senate—& a second *Senatus consultum*
necessary— to ratify, act of people in consequence of
proposition from Senate—

Code d'Hum.

Senate consisted originally of 100—usually abt 300—
finally by Jul. Caesar 1000—^{whether by Consuls & Censors—or people &)} not agreed how app^d—
on extraord^y occasions by Dictator—censors on ordi-
nary (Middleton)—by people out of annual magis-
trates —Middleton
till there became a regular supply of course

Censors could expel—but other Censors reinstate—
& Senators had an appeal from y^m to people—Id.

Vertot thinks people had nothing to do in appoint^g
Senators—power being first in Kings—yⁿ Consuls—yⁿ
Censors—& on extra. occasions in Dictator—age
required but not ascertained by antiquaries—so estate
between £6 & 7000 Str^g Senate assembled by
Kings—Consuls—Dictans—Tribunes—

power of Consuls 1. Heads of Repub. 2. com^d of armies—
levy troops in consequence of author^y from Comitia—
3. auth^y over Italy & prov^g who c^d appeal to y^c trib-
unal—and could cite subjects to Rome & punish
with death . 4. convene Senate propose business—
count votes—& draw up decrees—nor c^d any resol.
pass if one of y^c Consuls opposed—5 addressed letters
to Kings &c—gave audience to Ambas^{rs} introd^d y^m
to Senate—& carried into execution decrees touch^g all

these matters—6 convoked Comitia—presided there
 7. applied money—Had all the power of the Kings—
 Must be 42 years

Tribunes—uncertain whether at first, 2-3-or 5. estab^d in
 260. increased to 10. in 297. confined to City ^{& one mile}. At first
 had no power but to defend people, y^r persons being
 sacred for y^t purpose—but soon arrogated right to call
 Senate & assembly of people—& propose to them—
 They were—(1) protectors of people—under w^{ch}
 title they interfered in all affairs—released malefac-
 tors—& imprisoned principal magistrates of Repub:
 as Consuls & [“at last” stricken out] ^{after a time} exerted y^r
 authority over dictators & censors—(2) had the veto,
 to stop y^e functions of all other Magistr^s & to negative
 all laws & decrees of Senate—to dissolve Comitia so
 y^t Repub: often in anarchy & once 5 years without
 other Magistr^s yⁿ Tribunes—by this veto particularly
 as opposed to levies of men by order of Senate, they
 extorted everything they wanted. (3) sacredness of
 persons of w^{ch} they availed themselves much—pre-
 tending that it was violated in the persons of their offi-
 cers—(4) to convoke Senate—& people—at first sat at
 door of Senate waiting to be informed of result of its
 deliberations—and had no right to assemble people—
 but ^{Junius Brutus} caught at incautious acknowledg^t of consul, got
 comit: tribut estab^d in place of Centuries where votes
 unequal—& of curiata [“where auspices necessary—
 where as in Centuries, auspices necessary—”
 stricken out]—& in both concurrence of Senate to
 y^e calling them & coming to Resol^{ns} to these They
 soon brought trial of principal Citizens by appeal—

& all sorts of affairs—got plebiscites—made laws by Com^a trib: which they maged & directed as they pleased—(5) disposed of Gov^{ts} & com^{and} of armies—finances—& lands of the public—Sylla as dictator humbled the Tribunes but they were restored & Jul. Cæsar caused himself to be perpetual Tribune—the shadow continued down to Constantine y^e Great.

Tobias Lear to His Excellency General Washington.

Portsmouth N. H. 2^d June 1788.

[Letters to Wash-
ington, vol. LXXII
p. 276.]

As I know you feel deeply interested in the fate of the proposed Constitution, considering its adoption or rejection as deciding upon the happiness & prosperity of your fellow-citizens, I shall take the liberty to give you an account of its present situation in this State so far as I have been able to learn it from the best information which I can obtain; beging, at the same time, that you will not answer this, or any other letter which I may write to you before my return, unless something more particular (which I do not at present know of) should require it, because I am so well acquainted with your numerous avocations as to be sensible that you have not (especially at this busy season) an hour that could be conveniently spared.

I was surprised to find, in conversing with some of the first Characters here, that so little information respecting the Constitution had been diffused among the people of this State; there have been few, or no original publications in the papers & scarcely any republications;—the valuable numbers of Publius are not known, the debates of the Pennsylvania & Massachusetts conventions have been read

but by few persons, and many other pieces which contained useful information have never been heard of.—Fabius is now republishing in the papers of this town, and as the papers under this Signature are written with perspicuity & candour I presume they will have a good effect.—The enemies of the Constitution have been indefatigable in disseminating their opinions personally among the interior inhabitants of this State, and had they acted like good politicians would effectually have prevented its adoption here, but instead of alarming the fears of the people by telling them that their immediate & individual interest would be effected by the adoption of the Constitution they acknowledged that this State would be more benefited [“by” stricken out] thereby than any other [“S” erased] in the Union, but declared that if the Constitution obtained the rights & liberties of all American citizens would be destroyed, and that the people of this State, as a part of the Community, would suffer in the general wreck;—this apparent disinterestedness & patriotism was relished for some time and was the means of producing so large & unexpected an opposition in the last convention, but since that period the friends to the proposed System have been at some pains to counteract their opponents by personal information, and their success (they say) is as great as they could wish; for the people, upon reflecting, & duly considering those Characters who had stood forth as the Champions of the general rights of America, were convinced that they had been imposed upon by a specious parade of patriotism, thought it highly absurd [“that” stricken out] to pretend that the inhabitants of other States were not as competent to the judging of what was injurious to their liberties as they were, and as they have more to hope & less

to fear from its obtaining than almost ["every" stricken out] any other State it would be doing injustice to themselves not to accept it.—This is taken to be now the general sentiment which prevails, and I think the friends to the Constitution would not feel so secure of its adoption as they do, (after the unexpected opposition which they met with last winter) unless they were possessed of some certain information to ground their faith upon;—they now only appear to be mortified that New-Hampshire will not make the ninth State, as it is probable South Carolina & Virginia will adopt it before them, and coming in at the tenth hour will rather have the appearance of submitting to, than accepting of it;—the only method which can be devised to save appearances is to adopt it before the ratification can reach them from Virginia;—this they expect to do, as it is thought the Convention will not be many days in session.

Hu. Williamson to Honble James Maddison Richmond

[Madison Papers,
vol. XV, p. 122.]

New York June 2nd 1788

By the Time this comes to Hand you will be pretty well engaged in discussing the new Constitution & attempting to convince men who came forward with the Resolution not to be convinced. Of all the wrong heads who have started in opposition none have been mentioned who appear to be so palpably wrong as the People of Kentucke. It is said that some antied in Maryland on the last Winter fastened on the Ear of Gen^l Wilkinson who was accidentally there and persuaded him that in case of a new Gov^t the Navigation of the Mississippi would infallibly be given up. Your Recollection must certainly enable you to say that there is

a Proviso in the new Sistem which was inserted for the express purpose of preventing a majority of the Senate or of the States which is considered as the same thing from giving up the Mississippi. It is provided that two thirds of the Members present in the senate shall be required to concur in making Treaties and if the southern states attend to their Duty, this will imply $\frac{2}{3}$ of the States in the Union together with the President, a security rather better than the present 9 States especially as Vermont & the Province of Main may be added to the Eastern Interest and you may recollect that when a Member, Mr Willson objected to this Proviso, saying that in all Gov^{ts} the Majority should govern it was replied that the Navigation of the Mississippi after what had already happened in Congress was not to be risked in the Hands of a meer Majority and the Objection was withdrawn. Certainly those gentlemen know that the River is at present shut not by right but by the Hand of Power and that under the existing Gov^t we are never like to be able to open it. It is true that we may readily reduce the spanish Settlements on the Mississippi but that would not secure us any Exports; for a single Spanish Frigate would take every Vessel that we attempted to send out with Produce. And any Nation sending Vessels to take our Produce would expose such Vessels to Capture. On the Contrary under an efficient Gov^t when we shall certainly have some Ships of War Spain will find herself under the Necessity of suffering our Produce to be exported. For myself I conceive that my opinions are not [^{biased} "prejudiced" stricken out] by private Interests, but having [^]claims to a considerable Quantity of Land in the Western Country I am fully persnaded that the Value of those Lands must

be increased by an efficient federal Gov^t. It is clear that the Kentucke Gentlemen must have viewed this Subject in a diff^t Light, but I suspect that they have never fully examined the provisor respecting Treaties.

Th: Jefferson to M^r Carmichael

Paris June 3. 1788.

[Jefferson Papers
series 1, vol. III, No.
92 - Press copy

* * * * *

the following is a state of the progress and prospect of the new plan of government. the Conventions of 6. states have accepted it, to wit,

1. Massachusetts	by 187 Ayes	against 168. Noes.
2. Connecticut	148.	40.
3. Pennsylvania	46.	23.
4. Delaware	22	0
5. New Jersey	39	0
6. Georgia	33	0
	<hr/> 475	<hr/> 231.

The other Conventions were to meet as follows.

7. Maryland. April 21.
8. S. Carolina May. 12.
9. Virginia May. 26.
10. New York June. 17.
11. New Hampshire June. 18.
12. North Carolina July.

13. Rhode island referred the question to their people. about one third of these gave their votes, & of these there were about nine tenths against accepting the Constitution. in Maryland there was respectable opposition: yet it is

thought they will accept. in S. Carolina there is scarcely any opposition. in Virginia the opposition is very formidable. yet on the whole it is thought to have lessened and that that state will accede. New York is perhaps more doubtful: but if the 9. preceding states should have adopted it, this will surely induce her to do it. the New Hampshire convention met. many of the delegates came instructed & determined to vote against it. the discussions brought them over to the side of the Constitution, but they could not vote against their instructions. they therefore asked an adjournment that they might go back to their constituents and ask a repeal of their instructions. little doubt is entertained that they will accede. the conduct of Massachusetts has been noble. she accepted the constitution, but voted that it should stand as a perpetual instruction to their delegates to endeavor to obtain such & such reformatations; and the minority, tho very strong both in numbers & abilities, declared *viritem & seriatim* that, acknowledging the principle that the Majority must give the law, they would now support the new constitution with their tongues & with their blood if necessary. I was much pleased with many & essential parts of this instrument from the beginning. but I thought I saw in it many faults, great & small. what I have read & reflected has brought me over from several of my objections of the first moment, and to acquiesce under some others. two only remain, of essential consideration, to wit, the want of a bill of rights, & the expunging the principle of necessary rotation in the offices of President & Senate. at first I wished that when 9. states should have accepted the constitution, so as to ensure us what is good in it, the other 4. might hold off till the want of the bill of

rights at least might be supplied. but I am now convinced that the plan of Massachusetts is the best, that is, to accept, and to amend afterwards. if the states which were to decide after her should all do the same, it is impossible but they must obtain the essential amendments. it will be more difficult if we lose this instrument, to recover what is good in it, than to correct what is bad after we shall have adopted it. it has therefore my hearty prayers, and I wait with anxiety for news of the votes of Maryland, S. Carolina, & Virginia. there is no doubt that Gen^l Washington will accept the presidency, tho' he is silent on the subject. he would not be chosen to the Virginia convention.

* * * * *

B Lincoln to His Excellency Gen^l Washington

Boston June 3^d 1788

[Letters to Washington, vol. LXXII, p. 284.]

I have had the pleasure of receiving the several letters answers to those which I have had the honour of writing to your Excellency.

In one of my last I suggested to your Excellency what appeared to me to be the temper of our last house of representatives relative to the new constitution and my apprehensions lest the same spirit which they possessed would be by them difused through the different parts of the State. Their professed design to shift the Governour and to appoint one, and a Lieutenant Governour of their own sentiments, hence federelism & antifederelism were pitted one against the other— The antifederelists were in hopes of throwing such an influence into the Government, by a change of its officers, as to prevent an organisation of the

general Government by this State should it be adopted by nine.—

M^r Hancock was put up by the federelists and M^r Gerry by the oposite party for Governour M^r Adams and M^r Lincoln were put up by the federelists as Lieutenant Governour and General Warren by the other party. The division of votes beetween Adams & Lincoln prevented a choice of Lieutenant Governour by the people, they [“the two former” stricken out] had about two thirds of the votes General Warren had the greatest part of the remainder. As no person was chosen the ^{four} Gentlemen who had the most votes were by our constitution candidates, from whom the house must chuse two and send their Names to the Senate one of whom must be chosen by them Lieutenant Governour. Adams, Warren, Gerry & Lincoln were the candidates. The votes for them by the people stood [“nearly” stricken out] as followeth Warren 6,157 Adams 3495 Gerry 669 Lincoln 10,204—Warren and Lincoln were returned to the Senate—they elected Lincoln who had 20 votes out of 28. He accepted the trust. I hope he will discharge the duties of his office with fidelity

I have been thus particular in returning the numbers as the contest as I said before seemed to be between the federelists & those of a different character that you might judge of the temper of the people & of the state of the parties. Federelism is manifestly fast gaining ground—

In our last house of representatives the antifederelists could carry any vote they pleased and there cannot be a doubt but if it had ^{been} with them to determine the question they would instantly have rejected the constitution with triumph—

In the present house it has I am confident a great majority in its favor, much greater than it had in the convention.

In this State the people are manifestly returning to that train of thinking and line of duty necessary and indeed indispensable to their well being—

Though the majority have much to do yet they must take care that they do not do too much, the utmost good temper and moderation must be used and we must make haste slowly

On the whole if we act with judgment temper and moderation we shall, I have no doubt, in a short time have a government established the influences of which will not only promote and preserve the happiness and interest of the United States but that the beneficial effects of it will be enjoyed by all the different nations of the world.

* * * * *

Js. Madison Jr to [George Washington]

Richmond June 4. 1788.

[Letters to Washington, vol LXXII p. 286. Madison Papers, vol. IV, p. 39. Copy.]

Your favor of the 2^d Ult^o was not rec^d till my arrival here on monday evening. I found, contrary to my expectation that not only a very full house had been made on the first day, but that it had proceeded to the appointment of the President & other officers. M^r Pendleton was put into the chair without opposition. Yesterday little more was done tha[“n” written upon “t” stricken out] settling some forms and Resolving that no question general or particular should be propounded till the whole plan should be considered & debated clause by clause. This was moved by Col. Mason, and contrary to his expectations, concurred in by the other side. To day the discussions commenced in

Committee of the whole. The Governor has declared the day of previous amendments past, and thrown himself fully into the federal scale. Henry & Mason made a lame figure & appeared to take different and awkward ground. The federalists are a good deal elated by the existing prospect. I dare not however speak with certainty as to the decision. Kentucke has been extremely tainted, is supposed to be generally adverse, and every piece of address is going on privately to work on the local interests & prejudices of that & other quarters.

[The Papers of the Continental Congress, No. 80, vol. III, p. 824. Also No. 120, vol. III, p. 375. Transcript.]

John Jay to His Excellency The President of Congress.—

New York 4th June 1788

The City and County of New York have elected me one of their Deputies to the State Convention, which is to meet on the 17th instant at Poughkeepsie to consider and decide on the proposed fœderal Constitution. If it be agreeable to Congress I will attend, if not I will decline the appointment. Permit me therefore to request their Directions on the Subject.

[The Papers of the Continental Congress, No. 55, p. 333. Also No. 120, vol. III, p. 375. Transcript.]

Chas^s Thomson to The Honorable John Jay Esq^r.—

Office of Secretary of Congress June 7 1788

Congress have considered your letter of the 4th wherein you inform them that "the city and county of New York have elected you one of their deputies to the state convention, which is to meet on the 17th instant at Poughkeepsie to consider and decide on the proposed federal Constitution—that if it be agreeable to Congress you will attend, if not you will

decline the appointment" and request their directions on the subject.

In answer to your letter I have it in charge to inform you that if you incline to attend the Convention, you have leave of absence for the purpose

J Brown to Honble Ja Madison Richmond Virginia

[Madison Papers,
vol. XV, p. 126.]

New York June 7th 1788

* * * * *

The President informs me that he has sent you a Copy of a Resolution which Congress passed relative to the Separation of Kentucky. This contains all that has been done upon that Subject & I fear all that will be done. From the Hudson eastwardly all the members are opposed to do any thing further in this Business than to frame an Ordinance for the admission of Kentucky to be refered to the different States & ratified by them individually or to obtain from the States the ratification of an additional article to the Confederation vesting Powers in Congress for that purpose—either of these plans virtually amounts to a denial of the present application as the Compact between Vrg^a & the District becomes void if not ratified by Congress before the 4th of July. Col^o Hamilton heads the Opposition from an apprehension that a compliance might embarrass the New Constitution—he is supported by all the eastern States least it might add to the Southern Interest— I suppose Kentucky will assume her independence as it cannot be expected that she will continue in her present situation untill she can be admitted under the New Government & I am inclined to believe that no application under the present will be successfull— When thus forced into unconstitutional

measures 'tis difficult to say how far they may proceed. I fear the contracted Policy of the present Congress will be productive of Consequences ruinous to the tranquility of that promising Country; or to the importance & dignity of the United States; & perhaps to both— My disappointment in this Business has in a great measure prevented those exertions which I intended to remove the Objections of the Delegates from that Country to the New Constitution. Any Arguments which I could with propriety urge presuppose their admission into the Union. This at present will not be granted & all the letters I have rec^d from the District hold out the Idea that they are determined not to make a second application I have in general terms written to some of them that it is decidedly my opinion that there is not any thing to be apprehended relative to the Navigation of the Mississippi & that they ought to adopt the plan proposed Indeed my mind is & for some time has been so irritated that I have avoided writing to my friends from the District now at Richmond my expectations respecting their independence least I might drop something which might have a similar effect upon them. I hope you have a decided majority without them & that the ninth Pillar may be raised in Virg^a

Madison Papers,
vol. XV, p. 127.]

[Alexander Hamilton] to M^r Maddison

I think

In my last I informed you that the elections had turned out, beyond expectation, favourable to the Antifederal party—They have a majority of two thirds in the Convention and according to the best estimate I can form of about four sevenths in the community—The views of the leaders

in this City are pretty well ascertained to be turned towards a long adjournment say till next spring or Summer. Their incautious ones observe that this will give an opportunity to the state to see how the government works and to act according to circumstances.

My reasonings on the fact are to this effect—^{leaders of the} The party hostile to the constitution are equally hostile [th stricken out] to the Union. They are however afraid to reject the constitution at once because [^{it} stricken out] that step would bring matters to a crisis [^{between this state and} ^{the} ^{with} stricken out] the states which had adopted the Constitution and between the parties in the state. A separation of the Southern district from the other part of the state it is perceived would become the object of the Federalists and of the two neighbouring states. They therefore resolve upon a long adjournment as [^{the most} stricken out] ^{the} safest and most artful course to effect their final purpose. They suppose that when the Government gets into operation it will be obliged to take some steps in respect to revenue &c which will [^d erased] furnish topics of declamation to its enemies in the several states and will strengthen the minorities. If any considerable discontent should show itself they will stand ready to head the opposition. If on the contrary the thing should go on smoothly [^{they can st} stricken out] and the sentiments of our own people should change they can then elect to come into the Union. They at all events take the chances of time and the chapter of accidents.

How far their friends in the Country will go with them I am not able to say, but as they have always been found very obsequious we have little reason to calculate upon an uncompliant temper in the present instance.

For my own part the more I can penetrate the views of the Antifederal party in this state, the more I dread the consequences of the Non adoption of the Constitution by any of the other states, the more I fear an eventual disunion and civil war. God grant that Virginia may accede. Her example will have ^a vast influence on our politics—New Hampshire, all accounts give us to expect, will be an assenting state.

The number of the volumes of the Fœderalist which you desired have been forwarded as well the sccond as first, to the care of Governor Randolph. It was impossible to correct a certain error.

In a former letter I requested you to communicate to me by express the event of any decisive question in favour of the constitution authorising changes of horses &^e with an assurance to the person sent that he will be liberally paid for his diligence.

[Washington Papers, Letter-book 6C, p. 129. Transcript.]

G^o Washington to The Hon^{ble} John Jay.

Mount Vernon June 8th 1788

By the last Mail, I had the pleasure to receive your letter of the 29th of May—and have now the satisfaction to congratulate you on the adoption of the Constitution by the Convention of South Carolina.

I am sorry to learn there is a probability that the majority of members in the new York Convention will be Antifederalists. Still I hope that some event will turn up before the assemble, which may give a new complexion to the business. If this State should, in the intermediate time, make the ninth that shall have ratified the proposed government, it

will, I flatter myself, have its due weight. To shew that this event is now more to be expected than heretofore, I will give you a few particulars which I have from good authority and which you might not, perhaps, immediately obtain through any public channel of conveyance.

On the day appointed for the meeting of the Convention a large proportion of the members assembled and unanimously placed M^r Pendleton in the Chair. Having on that and the subsequent day chosen the rest of their officers and fixed upon the mode of conducting the business, it was moved by some one of those opposed to the Constitution to debate the whole by paragraphs, without taking any question untill the investigation should be completed. This was as unexpected as acceptable to the federalists: and their ready acquiescence seems to have somewhat startled the opposite party, for fear they had committed themselves.

M^r Nicholas opened the business by very ably advocating the system of Representation. M^r Henry in answer went more vaguely into the discussion of the Constitution, intimating that the federal Convention had exceeded their powers and that we had been and might be happy under the old Confederation with a few alterations. This called up Gov^r Randolph, who is reported to have spoken with great pathos in reply: and who declared, that, since so many of the States had adopted the proposed Constitution, he considered the sense of America to be already taken and that he should give his vote in favour of it without insisting previously upon amendments. M^r Mason rose in opposition and M^r Madison reserved himself to obviate the objections of M^r Henry and Col^o Mason the next day. Thus the matter rested when the last accounts came away.

Upon the whole the following inferences seem to have been drawn—that M^r Randolph's declaration will have considerable effect with those who had hitherto been wavering—that M^r Henry and Colo Mason took different and awkward ground, and by no means equalled the public expectation in their speeches—that the former has probably receded somewhat from his violent measures to coalesce with the latter—and that the leaders of the opposition appear rather chagreened and hardly to be decided as to their mode of opposition.

The sanguine friends of the Constitution counted upon a majority of twenty at their first meeting, which number they imagine will be greatly increased: while those equally strong in their wishes, but more temperate in their habits of thinking speak less confidently of the greatness of the majority and express apprehensions of the arts that may yet be practised to excite alarms with the members from the Western district. (Kentuck). All, however, agree that the beginning has been auspicious as could possibly have been expected. A few days will now ascertain us of the result.

[Washington Papers, Letter-book 6C, p 125. Transcript.]

G^o Washington to The H^{ble} James Madison

Mount Vernon June 8th 1788

I am much obliged by the few lines you wrote me on the 14th and though it is yet too soon to rejoice, one cannot avoid being pleased at the auspicious opening of the business of your Convention. Tho' an ulterior opinion of the decision of this State, on the Constitution, would, at any time previous to the discussion of it, in the Convention, have been premature, yet I have never yet dispaired of its

adoption here.—What I have mostly apprehended, is, that the insidious arts of its opposers of the multitude may have produced instructions to the delegates that would shut the door against argument, & be a bar to reason—If this is not the case I have no doubt but that the good sence of this County will prevail against the local views of designing characters and the arragent opinions of chagreened and disappointed men.—The decision of Maryland and South Carolina by so large a majoritys and the almost certain adoption of the proposed Constitution by new Hampshire will make all, except desperate men, look, before they leap. The ratification by eight States without a negative;—by three of them unanimously—by Six against one in another—by three to one in another—by two to one in two more—and by all the weight of abilities and property in the other is enough one would think to produce a cessation of opposition—I do not mean, that this alone, is sufficient to produce conviction, in the mind but I think, it ought to produce some change in the conduct of any man who distrusted his infallibility.

Although I have little doubt of your having received a copy of the enclosed Pamphlet, I send it—It is written with much good sense and moderation. I conjecture, but upon no certain ground, that M^r Jay is the author of it,—He sent it to me sometime ago, since which I have received two, or three more copies.

[An Address to the People of the State of New York, On the subject of the Constitution. Enclosure missing. A copy is in the Hamilton Papers; vol. VI, p. 127. Pamphlet, (New York: Samuel and John: London), 19 pages.]

G^o Washington to William Smith Esq^r and others

Mount Vernon June 8th 1788

Captain Barney has just arrived here in the miniature Ship called the Federalist; and has done me the honor to

[Washington Papers: Letter-book 6C, p. 134. Transcript.]

offer that beautiful Curiosity as a Present to me, on your part. I pray you, Gentlemen, to accept the warmest expressions of my sensibility for this specimen of American ingenuity: in which the exactitude of the proportions, the neatness of the workmanship, and the elegance of the decorations (which make your Present fit to be preserved in a Cabinet of Curiosities) at the same time that they exhibit the skill and taste of the artists, demonstrate that Americans are not inferior to any people whatever in the use of mechanical instruments and the art of ship-building.

The unanimity of the agricultural State of Maryland in general, as well as of the commercial Town of Baltimore in particular, expressed in their recent decision on the subject of a general Government, will not (I persuade myself) be without its due efficacy on the minds of their neighbours, who, in many instances, are intimately connected not only by the nature of their produce, but by the ties of blood and the habits of life. Under these circumstances, I cannot entertain an idea that the voice of the Convention of this State, which is now in session, will be dissonant from that of her nearly-allied sister, who is only separated by the Potomac.

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[Washington Papers. Letter-book 6C, p. 12^o. Transcript.]

G^o Washington to Colo. Jonathⁿ Trumbull

Mount Vernon June 8th 1788

* * * I have at length found a moment's leisure to take up my pen and to tell you, in few words, the state of Politics in this part of the Union.

Our Convention has been assembled about a week, and so far as I am advised of their proceedings seem to have made

as auspicious a beginning as could have been expected. Mr Henry and Col^d Mason are at the head of the opposition, in favour of the Constitution are many very able men: among these we count Mess^{rs} Pendleton, Wythe, Blair, Madison, Nicholas, Innis, Marshal and a long train of other worthies. Governor Randolph, (in answer to a speech in which Mr Henry had insinuated that the federal Convention had exceeded their Powers and that nothing forbade us to live happy under the old Confederation with some alterations) described pathetical our perilous situation as a full justification of the proceedings of the federal Convention and declared since so many of the States had adopted the Constitution without alterations, that he should vote for it in its present form. Upon the whole (though great and unwearied artifices have been practiced to prejudice the people in many parts of the State against the new government) I cant avoid hoping and believing, to use the fashionable phrase, that Virginia will make the ninth Column in the federal Temple. * * *

Ed. Carrington to His Excellency Mr Jefferson

New York June 9. 1788

[Jefferson Papers,
series 2, vol. XIII,
No. 96.]

I had the honor to write you by the last packet by Mr Barlow and Master G. W. Greene, since which South Carolina has acceded to the new Constitution by a great majority. the inclosed papers contain the act, and some of the debates of the convention.

Virginia is now sitting, having met last Monday, but we have not yet received any intelligence as to the probable turn the business will take there. I am inclined to think

the critical^d Stage in which this convention meets the affair, will have much influence upon the opinions of many who set out in the opposition. in adopting they will certainly avoid commotion, and, at worst, accept a constitution upon which eight States have already agreed to hazard their happiness, and which may be amended, should it be found to operate badly; in rejecting they may produce commotion, with but little prospect of preventing the adoption. the five States who have not yet acceded, would never agree in their objects, and could even this be brought about, they must at last rather yield to the 8, than these to the five; and it appears that the submission on either side must be intire, for should the 8 think of a compromise with the 5, there would be difficulty in agreing what points to yield. these considerations will, I apprehend, have their effect in the convention of Virginia, & produce an issue different from that which ^{might} have taken place under other circumstances. I am happy to find that the five are so separated that there cannot be a possible effort, to Unite in an attempt to dismember the union. had the southern States joined in opinion as to the constitution, I verily believe such a desperate step would have been tried, but it would have ended in their distruction, and perhaps that of ["the" stricken out] all the others.

Mr Madison & myself have sent you sundry Pamphlets and pieces which have been written by the Friends of the constitution; I have endeavoured to select from those which have been written on the other side, that which is reputed the best, to send you now, that you may fairly judge of the arguments brought forwards amongst ^{us} pro & Con. the two Books enclosed contain a number of letters under the signa-

ture of the Federal Farmer, but the Author is not known—these letters are reputed the best of any thing that has been written in the opposition.

I hope by the next opportunity to be able to send you the second volume of the Federalist.

John Jay to the Honorable Thomas Jefferson Esq^r

Office for foreign Affairs 9th June 1788

[The Papers of the
Continental Congress,
No. 121, p. 303.
Transcript]

* * * * *

By the Newspapers herewith sent you will perceive that South Carolina has adopted the proposed Constitution. The Convention of this State will convene on Tuesday at Poughkeepsie; and as this City and County has elected me one of their Deputies to it, I shall be absent from hence until it rises. There is Reason to believe that the Majority of this Convention are decidedly opposed to the Constitution, so that whether they will venture to reject it, or whether they will adjourn and postpone a Decision on it is uncertain.—

Accounts from Virginia and New Hampshire render it probable that those States will adopt it, and if so it may be presumed that North Carolina and even this State will follow the Example. * * *

J^s Madison J^r to Alex^r Hamilton Esq^r Congress New York

[Hamilton Papers
vol. XX, p. 115]

Rich^d June 9.

The Heat of the weather &c. has laid me up with a bilious attack: I am not able therefore to say more than a few words.

No material indications have taken place since my last. The chance at present seems to be in our favor. But it is

possible things may take another turn.—Oswald of Phil^a came here on Saturday; and has closet interviews with the leaders of the Opposition.

[Madison Papers,
vol. XV p. 128]

Tench Coxe to The honbl^e James Madison Jun^r Esq^r

Richmond Virginia

Philad^a June 11th 1788

We have been made very happy by the acco^{ts} from Richmond by yesterday's post which were to the 5th of June. From them we learn that Governor R. has acquiesced in the evident sense of the Majority of the States, and of the people & that all Questions were to be defer'd till the whole should be considered in parts—and a letter from the head of the Convention expresses the fullest belief, that the Constitution will be ratified. This latter information is carefully kept from print on acco^t of the delicate Situation of the writer. Our opposition has been done for some days. The Adoption by so large & such a Majority in Maryland made a great impression on them. South Carolina completed the matter, & before the acco^{ts} from your Convention two very active and very able opponents in the City had openly treated the Business as the future Government of America. Our people seem disposed to be kind & unmindful of all that has past, for which I am happy in giving them a considerable Degree of Credit, as indeed the mode of opposing here was very unbecoming.

The course of things at New York has proved very unfavorable unless the Virtue, Knowledge and Abilities of the friends of the Constitution in that Convention, work such Conversions as were effected in Massachussetts. The acco^{ts}

from your State will also have a great effect, & have gone forward by this morning's stage. They will reach New York at furthest on the Morning of the 12th, and New Hampshire on the 10th, by post, or earlier by a short passage by Water, or by a private hand. In the enclosed paper you will find an address to the New York Convention, which being just put to the press when the acco^{ts} from Virginia arrived I had time ^{to add} a line in the last paragraph affirming that Virginia would adopt. If you think it may serve any useful purpose in your State or North Carolina you will be pleased to have it introduced into your Newspapers—

The opinion of men of knowlege and judgment in New York, before the complexion of y^r house was known, was that their Convention might be induced to adjourn, & such was the plan proposed by the friends of the Constitution.

I submit to you the propriety of striking out the words 'and North Carolina', and changing the word "three" for two in the 3^d Column of the Pennsylvanian. I fear one of the impediments to Adoption in N. Carolina is paper Money—and that they may fear the honest payment of debts that would be produced by disuse of a paper Medium. There can be no impropriety in your ma["r" stricken out]king the Alteration thus authorized.

* * * * *

[Notes for Speech in Virginia Convention.]

[Madison Papers,
vol. XII, p. 39.]

direct taxation

necessary—practicable—safe—œconomical.

I. necessary.

1. for punctuality—credit—suppose war & most to feared
&c—free ships free goods.

2. conditi^l tax" produce failure from
- 3 distrust of concurrent exertions am^g Sts. who will deliberate

— ["disputes between Congs— & Sts." stricken out]

4. Some Sts less in danger & less willing to exert.
5. Contests between Cong^s & Sts.
- 6 effect of being punishment & St: on side of people.
- ["6" stricken out] Represent^s of particular oppose 1st in Cong^s then elsewhere.
7. case of partial payments within time.
8. prevent whole burden on imposts & S. Sts.
9. imposts not eno^l—now—& decrease in war—& manu-
factures.

10. secure responsibility—when not to fix sum only—but find means—

II. practicable

1. ^{10 OF 15} men eno^l for this State
2. aid of State laws—
3. increase of mutual knowledge.
4. land—poll—property
- 5 uniformity not essential—Eng^d & Scot^d—local customs.
6. concurrent collections—as both act for people.

III. Safe

- 1 to public liberty—Rep^s of large distr^{cts} as London &c.
2. comparative dependence & influence of Gen^l & St:
Gov^{ts}
3. No member of St: Gov^t elected by Gen^l Gov^t
4. Presid^t elected under influence of St: Legis^{res}.—
5. Senate app^d by St: Legis^{res}

Col: Monroes idea & inconsistency here—

6. H. of Rep^s attached to Sts: more yⁿ Senat^s —

- 7. people of St^h attach^d to St: Gov^{ts}—
- 8. compare n^o of appointm^{ts}
- 9. compare powers—
- 10. powers of Cong^s same only as of Confedⁿ substantiated.—case of Cong^s during paper money—

IV. Oeconomical

- 1—as to customs
- 2. as in place of 1500, or 2000 members—
- 3—as less mutable—& less exposed to speculations &c.

W MacIntosh to His Excellency General Washington.

[Letters to Washington, vol. LXVII, p. 316.]

Avignon 12th June 1788

The Letter, Sir, which you did me the honor to write, at Mount-Vernon, the 8th January, saluted me, here, the 28th May.

It appears, that the same Patriotic Zeal, & unaffected Equanimity, which have suffused your fame, both as a General, & as a Politician, accompany & guide your ideas into the recesses of a Citizen, & intercourse with Individuals.—It is to such elevated sentiments, Sir, that I feel myself indebted, for the ingenuous condescension of gratifying me with a Copy of the New Constitution composed by a Convention of the States of America, in September last.—

* * * * *

It is flattering to me, Sir, on comparing the paper which you were pleased to transmit, & that which I took the liberty of submitting to your consideration,—(although the one was crossing the Atlantic, while the other was under decision in Philadelphia) to perceive so striking a resemblance in their outlines & features.—By the latest accounts

from Great Britain (our most frequent vehicle of intelligence concerning the affairs of America) I see with pleasure, that the number of Provinces required to establish the new Constitution, by adopting the act of the Convention, were nearly completed. Without offending delicacy, may I presume, Sir, on this occasion also, to intrude an humble opinion, as a salutary maxim in Legislation; It is—To be tender of amending acts, hastily—to avoid a multiplicity of articles—and to admit no terms or phrases in any Code of Jurisdiction, or Jurisprudence, that can be construed ambiguously.—Some improvements may be found indispensable, at the beginning, but, perhaps, it may be productive of good, that Explanations, amendments, and abrogations, be stored up, as in petto, for discussion & determination at the termination of a certain period of years.—The reasonings & votes on the several objects, during the term of one presidentship, being minuted & preserved a part,—after such an experience, every obscurity, ambiguity, & necessity, will become evident to the plainest demonstration.—The Example of Britain,—and of many other States in Europe, should open the Eyes & Senses of New Legislators.—The original Constitution,—and the rights of a free-people, should be so sacred & inviolable,—that strong, emphatical, unequivocal words, should be selected from an entire language, as an infallible barrier, to preserve both,—by a clause, solemnly and incontestably declaring the Congress of the United States, ipso facto, & in toto, suspended from all Legislative functions, (without discomposing the wheels of the Executive government,) and the people authorised, & obliged, to proceed to new Elections, on any rash assumption of power, derogatory to the original Constitution, or to the rights of the people,—or [“an”

stricken out] innovations on either;—unless accompanied with clauses suspending their Execution, untill the consent of the provincial States are legally, and deliberately obtained.

* * * * *

Rufus King to Col. A. Hamilton

[Hamilton Papers,
XVI, p. 116.]

Boston 12 June 1788

I have made an arrangement to forward by express the result of the convention of New Hampshire to Springfield in this State, from which place Gen^l Knox has engaged a conveyance to you at Poughkeepsie—Those who are best informed of the situation of the Question in New Hampshire are positive that the Decision will be such as we wish, and from the particular Facts which I have heard, I can entertain no fear of a Disappointment from that Quarter—The accession of New Hampshire will present the Subject to your Convention in a new and indeed an extraordinary light—I think your Opponents powerful as they may be, will be greatly perplexed, although they may outnumber you, and a small majority of the people of the State may be on their side, yet I cannot think they will have hardiness to negative the Question—

You may pronounce with the utmost confidence that the Decision of our Convention has proved entirely satisfactory to our people—I have made a business of conversing with men from all parts of this State and am completely satisfied that the constitution is highly popular; that its opponents are now very few, and that few hourly diminishing—be assured that the organization of the Government, by Nine States (which is considered as certain) although a subject of Delicacy, is most earnestly desired; and from the con-

versation of both yeoman & politician, I am persuaded, that the People of Massachusetts are sufficiently mature & firm, to execute so far depends on them, what shall be proper as good Subjects of the New-Government—

Pray mention to Knox that I should have written to him had I not supposed him on his way here

[Madison Papers,
vol. XV, p. 129]

John B. Smith to [James Madison]

Hampden Sydney. June 12. 1788.

* * * * *

I should gladly have attended the discussion of that great question which you have before you, but a multiplicity of domestic engagements prevents me. You will have perceived how unfortunately this County is represented in Convention. Before the Constitution appeared, the minds of the people here were artfully prejudiced against it, so that all opposition at the election for delegates to consider it, (against M^r Henry,) was in vain. That gentleman has descended to lower artifice & management upon the occasion than I thought him capable of. His gross, & scandalous misrepresentations of the New-Constitution, & the design of its enlightened authors awaken contempt & indignation. I have not been able, for my part to suppress such feelings, & have incurred thereby some popular odium. However by steady perseverance I find that the tide is turning at length. The people think more favourably of the New System, & there are some few professed Converts from their former sentiments against it. If M^r Innes, has shewn you a Speech of M^r Henry to his Constituents, ^{which I sent him,} you will see something of the method, which that gentleman has taken to

diffus his poison. The idea of Virginia standing independent of the other States, or forming a partial confederacy or a foreign alliance is more openly avowed by some people in this quarter, than any where else, & I am certain the sentiment originated with the old Gov^t. It grieves me to see such great natural talents abused to guilty purposes—He has written letters repeatedly to Kentuckey & as the people there are alarmed with an apprehension of their interests being about to be sacrificed by the Northern States; I am convinced that it has been owing to a story which I have heard M^r H. tell, respecting the measure proposed in Congress [“of” erased] for a perpetual relinquishment of the Navigation of the Mississippi to the Spaniards. He has found means to make some of the best people here believe, that a religious establish^t was in Contemplation under the new gov^t—He forgets that the Northern States are more decided friends to the voluntary support of Christian Ministers, than the author or at least, the warm abettor of the Assessment bill in this State. But I detain you too long with a disagreeable subject. I conclude, with wishing you success in your meritorious effort to establish freedom & happiness on fixed & rational principles

J^s Madison Jr. to Gen^l Washington

Richmond June 13th 1788.

[Letters to Washington, vol. LXXII, p. 295. Madison Papers, vol. IV, p. 40. Copy.]

Your favour of _____ came to hand by the mail of Wednesday. I did not write by several late returns for two reasons; one the improbability of having got back to Mount Vernon; the other a bilious indisposition which confined me for some days. I am again tolerably well recovered.

Appearances at present are less favorable than at the date of my last. Our progress is slow and every advantage is taken of the delay, to work on the local prejudices of particular sets of members. British debts, the Indiana claim, and the Mississippi are the principal topics of private discussion & intrigue; as well as of public declamation. The members who have served in Congress have been dragged into communications on the first which would not be justifiable on any other occasion if on the present. There is reason to believe that the event may depend on the Kentucky members; who seem to lean more ag^t than in favor of the Constitution. The business is in the most ticklish state that can be imagined. The majority will certainly be very small on whatever side it may finally lie; and I dare not encourage much expectation that it will be on the favorable side.

Oswald of Philad^a has been here with letters for the anti-federal leaders from N. York and probably Phild^a. He staid a very short time here during which he was occasionally closeted with H—y Ma—s—n &c. I learn from N. York that the elections have proved adverse to the Constitution.

[Hamilton Papers,
vol. XXXIX, p. 225.]

[Gouverneur Morris] to The hon^{le} Alexander Hamilton Esq^r
New York

Richmond 13 June 1788—

I am to acknowlege yours of the 19th of May which reached me a few Days since. Matters are not going so well in this State as the Friends of America could wish. If indeed the Debates in Convention were alone attended to a contrary Inference would be drawn for altho M^r Henry is most warm and powerful in Declamation being perfectly

Master of "Action Utterance and the Power of Speech to stir Men's Blood yet the Weight of Argument is so strong on the Side of Truth as wholly to destroy even on weak Minds the Effects of his Eloquence. But there are as you well know certain dark Modes of operating on the Minds of Members which like contagious Diseases are only known by their Effects on the Frame and unfortunately our moral like our phisical Doctors are often mistaken in their Judgment from Diagnostics. Be of good Chear. My Religion steps in where my Understanding falters and I feel Faith as I loose Confidence. Things will yet go right but when and how I dare not predicate. So much for this dull Subject

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J^r Madison Jr to The Honble Alexander Hamilton New York [Hamilton Papers,
vol. XX, p. 117.]
Richmond June 16. 1788

Yours of the 8th is just come to hand. I mentioned in my last that Oswald had been here in consultation with the antifed^l leaders. The contents of your letter confirm the idea that a negociation for delay is foot between the opposition here & with you. We have conjectured for some days, that the policy is to spin out the Session in order to receive overtures from your Convention; or if that cannot be to weary the members into a adjournment without taking any decision. It presumed at the same time that they do not despair of carrying the point of previous amendments which is preferable game. The parties continue to be nicely balanced. If we have a majority at all it does not exceed three or four. If we lose it Kentucke will be the cause; they are generally if not unanimously against us.

* * * * *

[On the same sheet
as the preceding letter
from Madison]

H: Lee to The Honble Alexander Hamilton New York

* * * * *

Our Convention is in full debate on the great business of Federal constitution—We possess as yet in defiance of great exertions a majority, but very small indeed.

A correspondence has certainly been opened thro a M^r O. of Philad^a from the Malcontents of P. & N. Y. to us—it has its operation, but I beleive we are still safe, unless the question of adjournment should be introduced, & love of home may induce some of our friends to abandon their principles—

[Madison Papers,
vol. XV, p. 131.]

Ed. Carrington to The Honble M^r Madison in Convention at
Richmond Virginia

New York June 17. 1788

I had the pleasure to receive your favor of the 6th of June—it gives great satisfaction not only to myself, but all the Friends of Federalism to whom I have had an opportunity to communicate its contents. You very prudently hazard no decided opinions as to the event, but it appears to me that we may calculate with certainty upon a considerable Majority from the facts you communicate.—it is impossible that the present critical state of the business, & the consequent responsibility of Virginia [“for her” stricken out] to humanity, for her conduct under such circumstances, should not have enclined most of the opposition, who can discern the hazards of persevering, to follow Governor Randolph in taking the other side.

The President has just shewn me your letter to him mentioning your indisposition—I regret it much, but hope you

have before this perfectly recovered, so as to resume your station in the House.

The Convention of New York is now assembling at Poughkepsi—the Antifederalists, who are indeed the majority, have received a shock from the Accounts from Virg^a, but it seems they are so fixed in their principles that they will probably, at least adjourn without adopting the Constitution.

* * * * *

James McHenry to [James Madison]

[Madison Papers,
vol. XV, p. 130.]

Baltimore 17 June 1788.

To-nights post has brought me intelligence from your convention which induces me to send you the inclosed authentic information respecting the present state of the opposition to the constitution in Pennsylvania. I find the same misrepresentations have been played upon the uninformed with you which was practised with us. You are at liberty to make them as public as you please. The letter is from the chief Justice and the certificate from the clerk of the General Assembly. You will return them, and I hope, (tho' I am full of fears) with them the desirable news of your State having adopted the constitution. God be with you.

G^o Washington to The Hon^{ble} Gen^l Knox

[Washington Papers, Letter-book 6C,
p. 135. Transcript.]

Mount Vernon June 17th 1788

I received your letter of the 25th of May, just when I was on the eve of departure for Fredericksburg to pay a visit to my mother, from whence I returned only last evening.

The information of the accession of South Carolina to the new government, since your letter, gives us a new subject

of mutual^b felicitations. It was to be hoped this auspicious event would have had considerable influence upon the proceedings of the convention of Virginia; but I do not find that to have been the case. Affairs in the Convention, for some time past, have not worn so good an aspect as we could have wished: and, indeed, the acceptance of the Constitution has become more doubtful than it was thought to be at their first meeting.

The purport of the intelligence, I received from my private letters by the last night's Mail, is, that every species of address and artifice has been put in practice by the Antifederalists to create jealousies and excite alarms. Much appears to depend upon the final part which the Kentucke members will take; into any of whose minds apprehensions of unreal dangers, respecting the navigation of the Mississippi and their Organization into a seperate State, have been industriously infused. Each side seems to think, at present, that it has a small majority, however it shall turn, will be very inconsiderable. Though, for my own part, I cannot but imagine, if any decision is had, it will be in favour of the adoption. My apprehensions is rather that a strenuous and successful effort may be made for an adjournment; under an idea of opening a correspondence with those who are opposed to the Constitution in other States. Colo Oswald has been at Richmond, it is said with letters from the Antifederalists in New York and Pennsylvania to their Coadjutors in this State.

The resolution, which came from the Antifederalists (much to the astonishment of the other party) that no question should be taken untill the whole Plan should

have been discussed paragraph by paragraph; and the remarkable tardiness in their proceedings (for the Convention have been able as yet only to get through the 2nd or 3^d Section) are thought by some to have been designed to protract the business untill the time when the Assembly is to convene, that is the 23^d inst^t in order to have a more colorable pretext for an adjournment. But notwithstanding the resolution, there has been much desultory debating and the opposers of the Constitution are reported to have gone generally into the merits of the question. I know not how the matter may be, but a few days will now determine.

I am sorry to find not only from your intimations, but also from many of the Returns in the late Papers, that there should be so great a majority against the Constitution in the Convention of New York, and yet I can hardly conceive, from motives of policy and prudence, they will reject it absolutely, if either this State or New Hampshire should make the ninth in adopting it—as that measure which gives efficacy to the system, must place any State that shall actually have refused its assent to the new Union in a very awkward and disagreeable predicament.

By a letter I have just received from a young Gentleman who lives with me, but who is now at home in New Hampshire, I am advised that there is every prospect that the Constitution will be adopted in that State, almost immediately upon the meeting of the Convention. I cannot but hope then, that the States which may be disposed to make a secession will think often and seriously on the consequence.

* * * * *

[Indorsement.]

Handed to J. M. by Ralf Wormley Eqr Richmond.

June 1788.

[Madison Papers,
vol. XII, p. 48.]

I.st

That part of the senate only which is to be roted out shall participate with the President in those advisory and executive powers, that by the Constitution are lodged and reside in the full body: and, that this portion of the senate, who, in rotation, will act as privy Counsellors, and therefore ministerially prompt and advise measures, shall, in all cases, be excluded from a judicial seat in the high ^{& awful} court
 [“& awful” stricken out]
 of impeachment—
 [“ ” stricken out]

II.d. That as the President has annexed to his character responsibility, the absurdity of inhibiting him to act from himself, when he will & must act [“from himself” stricken out] accountably, is manifest; it is therefore recommended, that he may place his reliance on himself, & take his own Counsels, as he will pursue them, at his own peril—

[Madison Papers,
vol. IV, p. 11. Copy.]J^r Madison J^r to Gen^l Washington

Richmond June 18. 1788.

No question direct or indirect has yet been taken, by which the state of parties could be determined, of course each is left to enjoy the hopes resulting from its own partial calculations. It is probable the majority on either side will not exceed 3, 4, 5 or 6. I indulge a belief that at this time the friends of the Constitution have the advantage in point of number. Great moderation as yet marks our proceedings. Whether it be the effect of temper, or of the equality of forces and the uncertainty of victory, will be seen by the event. We are at present on the Executive Department.

Mr H-y has not made any opposition to it though it was looked for. He may however still mean to make one; or he may lay by for an exertion against the Judiciary. I find myself not yet restored and extremely feeble.

G^o Washington to The Marq^d de la Fayette

Mount Vernon June 18th 1788

[Washington Papers, Letter-book 6C, p. 130. Transcript.]

* * * * *

In a letter I wrote you a few days ago by Mr Barlow (but which might not possibly have reached New York untill after his departure) I mentioned the accession of Maryland to the proposed government and give you the state of politics, to that period. Since which the Convention of South Carolina has ratified the Constitution by a great majority: that of this State has been setting almost three weeks and so nicely does it appear to be ballanced, that each side asserts that it has a preponderancy of votes in its favour. It is probable, therefore, the majority will be small, let it fall on which ever part it may; I am inclined to believe it will be in favour of the adoption. The Convention of New York and New Hampshire assemble both this week—a large proportion of members, with the Governor at their head, in the former are said to be opposed to the government in contemplation: New Hampshire it is thought will adopt it without much hesitation or delay. It is a little strange that the men of large property in South, should be more afraid that the Constitution will produce an Aristocracy or a Monarchy, then the genuine democratical people of the East. Such are our actual prospects. The accession of one State more

will complete the number, which by the Constitutional provision, will be sufficient in the first instance to carry the Government into effect.

And then, I expect, that many blessings will be attributed to our new government, which are now taking their rise from that industry and frugality into the practice of which the people have been forced from necessity. I really believe that there never was so much labour and economy to be found before in the country as at the present moment. If they persist in the habits they are acquiring, the good effects will soon be distinguishable. When the people shall find themselves secure under an energetic government, when foreign Nations shall be disposed to give us equal advantages in commerce from dread of retaliation, when the burdens of the war shall be in a manner done away by the sale of western lands, when the seeds of happiness which are sown here shall begin to expand themselves, and when every one (under his own vine and fig-tree) shall begin to taste the fruits of freedom—then all these blessings (for all these blessings will come) will be referred to the fostering influence of the new government. Whereas many causes will have conspired to produce them. you see I am not less enthusiastic than ever I have been, if a belief that peculiar scenes of felicity are reserved for this country, is to be denominated enthusiasm. Indeed, I do not believe that Providence has done so much for nothing. It has always been my creed that we should not be left as an awful monument to prove, “that Mankind, under the most favourable circumstances “for civil liberty and happiness, are unequal to the task of “Governing themselves, and therefore made for a Master.”

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A Hamilton to The Honorable James Maddison Esquire Madison Papers
vol. XV, p. 133
Richmond Virginia

Poughkeepsie June 19. 1788

Yesterday, My Dear Sir, The Convention made a house. That day and this have been spent in preliminary arrangements. Tomorrow we go into a Committee of the whole on the Constitution. There is every appearance that a full discussion will take place, which will keep us together at least a fortnight. It is not easy to conjecture what will be the result. Our adversaries greatly outnumber us. The leaders gave indications of pretty desperate disposition in private conversations previous to the meeting; but I imagine the minor partisans have their scruples ^{and an air of moderation is now assumed}. So far the thing is not to be despaired of. A happy issue with you must have considerable influence upon us—

I have time to add nothing more than the assurances of my sincere attachment

Th: Jefferson to T. Lee Shippen, esq.

[Jefferson Papers,
series 1, vol. III, No.
99. Press copy]

Paris June 19. 1788

* * * Genl Washington writes me word he thinks Virginia will accept of the new constitution. it appears to me in fact from all information that it's rejection would drive the states to despair, and bring on events which cannot be foreseen: and that it's adoption is become absolutely necessary. it will be easier to get the assent of 9 states to correct what is wrong in the way pointed out by the constitution itself, than to get 13. to concur in a new convention and another plan of confederation. I therefore sincerely pray that the remaining states may accept it, as Massachu-

sets has done, with standing instructions to their delegates to press for amendments till they are obtained. they cannot fail of being obtained when the delegates of 8 states shall be under such perpetual instructions.

* * * * *

[Hamilton Papers,
vol. XX p. 119.]

J^s Madison Jr. to The Honble Alexander Hamilton New York

Richmond June 20. 1788.

Our debates have advanced as far as the Judiciary Department against which a great effort is making. The appellate commuzance of fact, and an extension of the power to causes between Citizens of different States, with some lesser objections are the topics chiefly dwelt on. The retrospection to cases antecedent to the Constitution, such as British debts, and an apprehended revival of the Fairfax—Indiana Vandalia &c. claims are also brought into view in all the terrific colours which imagination can give them. A few days more will probably produce a decision; though it is surmised that something is expected from your Convention in consequence of the Mission formerly suggested to you. Delay & an adjournment will be tried if the adverse party find their numbers inferior, and can prevail on themselves to remain here till the other side can be wearied into that mode of relieving themselves. At present It is calculated that we still retain a majority of 3 or 4; and if we can weather the storm agst the part under consideration, I shall hold the danger to be pretty well over. There is nevertheless a very disagreeable uncertainty in the case; and the more so as there is a possibility that our present strength may be miscalculated.

J^r Madison Jr to [James Madison Sr.][Madison Papers,
vol. IV, p. 42.]Richm^d June 20. 1788

No question has been yet taken by which the strength of parties can be determined. The calculations on different sides do not accord; each making them under the bias of their particular wishes. I think however the friends of the Constitution are most confident of superiority; and am inclined myself to think they have at this time the advantage of 3 or 4 or possibly more in point of number. The final question will probably decide the contest in a few days more. We are now on the Judiciary Department, against which the last efforts of the Adversaries seem to be made. How far they will be able to make an impression, I can not say. It is not probable that many proselytes will be made on either side. As this will be handed to you at Court you can make its contents known to Maj^r Moore, and other friends to whom I have not time separately to write.

Jon^a Trumbull to His Ex^{cy} G Washington Esq^e[Letters to Wash-
ington, vol. LXXII,
p. 301.]Lebanon 20th June 1788—

I have this Day been made very happy in the receipt of your favor of the 8th instant. The Information you have been so good as to communicate, and the pleasing prospects which that information has excited in my Mind, have formed such an accession to my common stock of Joys as rarely falls in my Way—The Support which the new Constitution will receive from the State of Virginia must fill every Well Wisher to its Adoption, with heartfelt pleasure & satisfaction. Under the Influence of these feelings, I anticipate the Joy of soon hearing the compleat ratification of your State.

The Triumph of Fœderalism has been great in Connecticut since last Winter. The Opposition which then existed, is now dwindled into meer unimportance. At our late Elections—which you know Sir! are formed by the people at large—a Gen^l Wadsworth, who was the Champion of Opposition in our Convention, lost his place as an Assistant, by great Odds—his Seat at the Counsel Board, was filled by Col^o Chester, late Speaker of our House of Assembly—a Gentleman of independant, liberal Sentiments, & a firm friend to general Government. Your Old Secretary being placed in the Speaker's Chair, on the removal of Col^o Chester, was an additional Blow to Opposition—and, he being considered as a warm supporter of the fœderal Interests—a fast friend to the Army, & to public Justice, this Event had its influence towards compleating the Triumph.

Indeed much pleased have I been in the Course of our late Sessions of Assembly, to observe a Disposition towards public Measures, much better than has prevailed for some Years past. Pray God this happy Change may continue!

A like Triumph I am told—and a similar good Disposition has taken place in Massachusetts—And it is confidently said—so that it gains my belief—that N Hampshire, at the Adjournment of her Convention, will assuredly ratify the new Constitution, by a considerable Majority. A Dawn of better Times, my Dear Gen^l! appears—may the Day soon break upon us in full Lustre & brightness.—

Under these circumstances, can the State of N. York have hardiness eno' to refuse their Assent?—or will she consent to stand on the same Ground with our deluded Sister R Island. I would fain hope, that shameless Prostitute will not be able to find an Associate in her Sins & Follies.—

I have a late Letter from my Brother, who still continues in London—the Confidence with which he has been honored by M^r Adams, has led him near the Channels of the best information—and his Intimacy with M^r West, who, from a particular foible attendant on Majesty, has perhaps as much domestic intercourse with the King as almost any private Subject—has bro't him more nearly acquainted with the Character of his Majesty, than is commonly obtained.—

My Brother speaks warmly of Our new Constitution—of the happy Effects he hopes from it—& of the urgent necessity of its speedy Adoption.—“No unforeseen Event he says will I hope occur to dash our hopes of Union—it was never more necessary than at this Hour—there are those who neither forget nor forgive our past successes; & who would rejoice in a fresh Opportunity of dispute; if they saw but a hope of success—& a late Event he adds has taken place which may perhaps inspire that hope. A Bill has just passed in Parliament for the better regulation of affairs in India—which vests the supreme Government & Defence of that Country in a Board of Controul, to be appointed by the King—this Board is supreme, & being charged with the defence of the Country, are consequently made directors of the territorial Revenues, which are said to amount to Seven Millions a Year—This Sum is an addition to the Royal purse—independ^t of Parliament—and has for its natural attendant the Army at present under the Orders of the India Comp^a a no inconsiderable Body of Men, likewise independ^t of Parliament.—Those who know the British Constitution, may judge what will be the Effect of such an addition to the Power of One Branch, and those who know the Character of him who now constitutes that Branch, may

judge what will be his future conduct.—Ours obviously ought to be guarded, united & preparatory.—We may perhaps be secured for a little time by the Quarrels of Europe—there is some reason to hope, that the Ambition & resentment which frowns on us may find other Occupations for some time:—yet we shall not be forgotten—there is One who never forgets nor forgives—& be assured we shall be the Objects of his earliest Vengeance, as we are of his continual remembrance & Detestation”—

These circumstances are committed to me in Confidence—on the same ground I mention them to you, my Dear Sir!—with this one Observation only—that the Writer having been once frowned upon in England, would not willingly be bro't into trouble again from the freedom of his pen.

I beg pardon for troubling you with the above detail—at the present period however such information, rightly improved, may not be useless.

Indorsement [

Fed. Const. Sketch of Journal Convention of N. Y—

[Hamilton Papers, vol. VI, pp. 73 to 92. The sheets of this incomplete sketch (pp. 73 to 741) are not arranged in the bound manuscript volume in chronological order as here printed. Where a continuation from page to page is not clear, the volume page number is given.]

Wish of his Constituents to have Amendments shall advocate them—upon general Principles—not upon other Principles illiberal and improper—sanctioned by what was asserted by the Ch^r—Officers of the State not superior in Discernment, nor inferior in Honesty to those of the neighbouring States—who were in gen^l in other States for the Constitution, in this divided—but personal Considerations improper, should only think of the Happiness & Liberty of the People—

Chancellor Livingston—

As to the Principle of previous Requisition—

Article 1. without Debate

2

M^r Smith

Chancellor's Observations did not apply—thinks the Union of the utmost Importance—not to sacrifice the Liberties of the People—Should avoid Declamation—why told of the defenceless State of our Country—not going to make War—

the present Confederation he admits to be defe[mutilated]—but [“may” stricken out] not obliged to adopt the Constitu[mutilated] Anarchy better than Tyranny—As to federal Gov^{ts} the Conclusion defective Holland has in some Measure succeeded tho' its Gov^t more defective than the present Confedera[mutilated] the Germanic Gov^t not conclusive—despotic Power their Ruin—

We should change Names

Opinion of Montesquieu as to confederate Republics

Perfection not to be found—but this an Argument that

we should not change our present Gov^t.—

fickleness of the people not so dangerous [mutilated] the Tyranny of one Person—

Sacred Example—

Description of the proposed King—

Objections

To apportionment of Representation & direct Taxes &c^a

3 Heads—

1. Apportionment unequal & unjust

2. No precise Number pointed out

3. Inadequate—

1. Slaves ought not to be included—have no Will of their own—have no Agency in any State Gov^t—Matter of Accomodation—& not a turning Point

2. Number discretionary

for 3 Years 65 the Number—after that may lessen as well as encrease—no Security but in the Integrity of the Representatives

3. People make the Laws in a free State—Spontaniety the Test of Freedom

People cannot exercise their Power in Person—must have Representatives—

Representation in G^t Britain very defective

Here it may be fairly tried—

Must encrease the Representation & diminish the Powers

The Convention had Difficulties—supposed the Gov^t extended only to national ^{Objects} ["Powers" stricken out]—but the Case is different—the Sword & Purse extend to every Thing—

true Representation must express the Sense and Will of the People—

Should be chosen by small Districts—

More likely to be corrupt—A different Temper may take Place from what prevailed formerly Spirit of Patriotism already ridiculed—

Gov^t must rest upon the Confidence of the People—sacred Example in Point—if this Confidence fails Recourse must be had to the Point of the Bayonet—^{present} Constitution would have answered if possessed of public Confidence—Same Observations will extend to the proposed Con["stitution" written upon "federation"]—

present Confederation has been declaimed against—

Executions for Debt and Embarassments all charged to the old Gov^t—

New Gov^t cannot have the Confidence of the Gov^t on Acco^t of the Feebleness of the Representation by System—To be guarded against by a firm & numerous Representation— [Page 76.]

Corruption

Every man has his Price—

Corruption destroyed the Grecian Republics—

Offices the Engines of Corruption—

24 Men only to be corrupted to destroy the Liberties of the People—

Example of the States Legislatures shews that a more numerous Legislature is proper—

The Constitution an Experiment

Dangerous to go the Lengths of this Constitution—should proceed by Degrees—cannot take Power back—

M Smith—

—Would observe before he made any Observation

—Difficult to make Representation equal to th[illegible]

End of it and Extent of the Country—

—State Gov^{ts} no Check in this Constitution—& can only check by Force—

—Does not think it eligible for the People to meet together to deliberate even in small Districts—

—Ephori—Tribunes &c^a

—Our State Gov^t less in Extent—it's Powers inferior—

—Aristocracy—

—Vice of Great Men is Ambition—

—Tho' no exclusive Right of being elected—yet by the

[Referred to below]

natural Course of Events the great will be the elected.— if 23^d attend, yet only 26 Members will determine in the Assembly—

—House of Commons may be corrupted—

—If difficult to get People to attend, yet this Reason for encreasing the Representation—

[Page 73B.]

M^r Lansingh

Representation should comprise the Feelings and Interests of the Community—

Difficult to fix the precise Number proper. Cannot fix the exact Medium but may avoid the Extremes—

Should not leave this to the Operation of Interests—but should ascertain it—

In the present Way, neither comprehends the Feelings &c^a nor is secure from Corruption—

The State Gov^t different—Rep^r drawn from the People and acting under their Eye—

In the general Gov^t go from the principal Class of the Citizens & to a Distance—

So small a Number not to be trusted—

[See above.]

(turn to the [^{last} "other" stricken out] Leaf where what is below the Line was M^r Lansingh's Argum^t)

Gov^r Clinton

Wishes to discover what is right—

thinks the Representation too small

Argument

from the State Legislatures

Every Member possesses some Knowledge of every Part of the State

Different in the general Gov^t

All obliged to depend upon the Representatives from
the State Gov^t

As to Mode of assessing Taxes—

Maladministration in a State Gov^t can easily be remedied—

Have the same Climates and Feelings in the State—but
not in so extensive a Gov^t

—Insurrection in Massachusetts produced a Change in the
Spirit of Gov^t, tho' unsuccessful.

Wishes to have an Answer & is seeking for Truth—

As to the Union ^{the Dissolution of it} remote from his Wish & desires a
strong energetic Gov^t—one may desire a Consolidation, the
other a federal Republic—

27 June 1788

[Page 86.]

M^r Melancthon Smith.

On Taxes & the
Amendm^t proposed
by M^r Williams

1. The gen^l Gov^t should rest in some Degree not only for
it's Foundation but [“Jurisdiction” stricken out]
Operation upon the State Gov^{ts}

Their Powers should be clearly defined otherwise the
two Jurisdictions will clash—

2. The Power to raise Money necessary to be committed to
Gov^t & one of the most delicate Nature—

Must be committed to both Gov^{ts}—& each should have
their distinct Objects to exercise it upon—

3. The Constitution gives the gen^l Power to Congress.—
the sole Restriction being upon Exports.

have exclusive Powers as to [“Exp” stricken out]

Imposts Tonnage & Poundage & the Post Office.

State Gov^{ts} have no exclusive Powers—but concurrent
Powers

4. Gen^l Gov^t has the Judicial Power of determining—

5. This^y must destroy the State Gov^{ts} w^h cannot subsist without Money—
6. All Gov^{ts} spend more than their Income—& the Gen^l Gov^t will have Use for all the Money they can raise—
7. direct Taxation will be exercised by both Gov^{ts}—must interfere—will have two Sets of Officers—& of Courts—one Set must yield—

Instance of the Plantation—to illustrate the Interference Gen^l Gov^t must prevail—as the State Gov^{ts} have no exclusive Object of Taxation—If they contend they must contend without the Means of supporting the Contention, like going to Law in Formâ Pauperis—

The State Gov^{ts} will be gradually abolished—the very Taxes of the State Gov^{ts} will destroy them—it probably will become fashionable to decry the State Gov^{ts} as useless—with as much Zeal ^{now used} as to shew that the Con. is perfect and like a a System framed in Heaven & given to us by express Revelation—

Ancient Republics not similar to our own—& this Form of Gov^t cannot subsist in extensive Countries—Writers say that Despotism only can subsist in [^{very} “great” stricken out] extensive Regions—Legislation cannot be exercised over our Country—People will be oppressed without the Possibility of Redress—& it will be impossible for the Legislature to go thro’ the Multiplicity of Business—Turkey—this Power leads to the Ruin & Destruction of the People—

8. Cannot have a Representation [“equal in” stricken out] sufficiently informed to know the Circumstances of

the various Parts—State Gov^{ts} have answered well—all circumstances considered.—Some have indeed acted ill such as Rhode Island—but what Gov^t has not acted ill.—No Need to change our local Gov^{ts} but the Gen^l Gov^t must be altered the only Question is as to what Extent—The Want of Money is the great Evil—if that had been given the present Gov^t might have gone on without complaint—Even Requisitions have answered in a great Measure—perhaps as much has been collected as would have been by Taxation—they will be more operative hereafter.—The Language held in Congress has prevented the Operation of Requisitions—they are impeded by the domestic Debts of the States—Country improving & advancing in Value since the War, & will be better able to pay—Taxes & Requisitions [“equally” stricken out] will both be unequal in their Operation—& depends upon the relative Quantity of Money—If This Power is exercised the Union will be dissolved—the Idea of unlimited Power of Taxation is novel. Requisitions failed, then the Impost was proposed—If all Sources of Revenue are now given the State Gov^{ts} had better be destroyed because they will otherwise be at War.—

Mr Williams—

fears the Annihilation of the State Gov^{ts}, and thinks the Powers too indefinite—Congress may pass Laws to destroy the State Gov^{ts} under their gen^l Authority to provide for the gen^l Welfare—concurrent Powers not expressed in the Constitution—too important to be trusted to Construction—wishes no Latitude left to interested Persons—if the Constitution is adopted it will not be known what is given up

what is retained—If there is a concurrent Jurisdiction the Laws of Congress must be preferred—people must be doubly taxed or the States destroyed—In England Taxes very heavy, here may not be lighter—Poll taxes may be laid—in this State would be very unequal—& the Excise dangerous.

Chancellor—Many of the Principles not connected with the present Question—thinks the State Gov^t advantageous & a Consolidation improper—As to the Excise it might be improper at the present Hour, but probably hereafter the Case will be different—Exports will decrease—Excises will be the only great Source of Revenue & are proper even in a View of Morality—Congress must have it, or it will be obliged to have Recourse to direct Taxation—The Subject of direct Taxation must be carefully attended to—cannot judge from the present Circumstances of Gov^t—It may be necessary to have Recourse to it—the very Amendment implies that such a Necessity may exist—Requisitions have been ineffectual. Bounty Money should be deducted—N Hampshire ha[“s” written upon “ve”] felt little of the Calamities of War & ha[“s” written upon “ve”] not complied with Requisitions—N York has complied more fully, because it felt the Calamities of War—direct Taxes only necessary upon great Emergencies—^{Requisitions} will be too slow—if refused the Remedy will be ineffectual—& may plunge the Confederacy into Wars—Loans cannot be negotiated—Impost will be necessary to fund the present Debt—In Case of War, we are ^{we are} most interested to strengthen Congress—as most likely to become the Seat of War—2^{dly} As to the Likelihood of destroying the State Gov^t—Not probable that the Union will be induced to destroy the State Gov^t w^h ^{implies} [“leads to”

stricken out] Corruption—not likely to be so—Concurrent Taxation may exist—The Ability to pay the^{Taxes} [“m” stricken out] is implied even by present Deliberations—3^{dly} respecting Individuals—best that the Money w^h must at all Events be paid should go directly into the [“State^{General} Legislature” stricken out] Treasury. All the [“States” stricken out] Citizens are interested in the Preservation of the Union, & in paying towards it.

Mr Hamilton—bravo! As far as it went one of the most excellent energetic Speeches that ever I heard—He began by displaying the Form of the proposed Constitution—shewing that it was truly republican—that if the Gov^t was such as to be deserving of Confidence all Confidence^{should be placed in it}, otherwise it could not answer the Purposes of Gov^t—that the Situation of the Country might require the Use of all it's Resources—that as to direct Taxation the two Gov^{ts} possessed concurrent Jurisdiction—that it was not probable they would interfere—that the [“Supreme” stricken out] Authority of Congress to make Laws w^h which were to be the Supreme Law of the Land, did not imply that the State Laws where they have concurrent Jurisdiction should not also be supreme.

more safe—Power to draw forth all the Resources of the Union not in any Gov^t except a despotic Gov^t—Gen^l Gov^t will have many exclusive Sources of Revenue—Excise & direct Taxes only necessary upon extraordinary Occasions—State Gov^{ts} will be better able to lay the Tax equally—& will have more of the Confidence of the People therefore their Laws must better executed—unless from Want of Inclination in the State Gov^{ts}—

[Page 77.]

1. State Gov^{ts} will comply with Requisitions^{if able}—must be inclined to support the Gen^l Gov^t—Additional Security from Power of Coercion—will be induced to comply from an Apprehension of Interference of Officers of General Gov^t. Calculation of England does not apply—Standing Army—Fleets—Garrisons—Money will be wanting for Paym^t of State Debts as well as Debts of the Union—they are nearly equal in Amount—The general Gov^t would not have raised more than the State Gov^{ts} have^(Hiatus)—During the War direct Taxes could not have been raised except at the Point of the Bayonet—In the Condition of N England no more Money would have been raised by Taxation than by Requisitions—Inability the Cause of Failure, and Expectation of the Impost succeeding—Genⁿ from the failure of Requisitions conclude too much—Gen^l Gov^t will obtain more by Requisitions than by direct Taxation—No such Taxation could be carried into Effect, by the gen^l Gov^t—it would not be complied with—probably this Power if it could be complied with, would oppress the People^{the S. Gov^{ts}}—[^]would know the Circumstances of the People best—Deficiencies of Taxes & Requisitions would be nearly equal—would be induced to be as moderate in one Way as in other—& will lay out all the Money they get—No Requisition will be made unless the general Gov^t is wicked & mad—unless the real Exigencies of the Gov^t require it—This Power dangerous to the Existence of the State Gov^{ts}—& the Amendm^t renders their Interference necessary—Only requisite to meet when Senators are to be chosen—Where the Revenue & Force of the Union are placed all Power is placed—they may destroy all

subordinate Powers—State Gov^{ts} are component Parts of the Gen^l Gov^t—& should have Power of the Sword & Purse in Part.—

Leaves further Observations to another Time, as to Safety [Page 73]
of State Gov^{ts} and Concurrent Jurisdiction—

M^r M. Smith—

Afternoon

Impost will find it's Level.

As to Excise—

Several unanswerable Reasons ag^t it

1. Will operate unequally by falling upon the manufacturing States—
2. Requisitions will be equal because the manufacturing States will increase in Numbers.

3. improper to discourage Manufactures.—
as to concurrent Jurisdictions

Ideas stated by M^r H. not accurate—but he admits that there is a concurrent Jurisdiction tho' that may be under the Controul of the general Gov^t—

M^r Lansingh. As to concurrent Jurisdiction Gen^l Power to levy Taxes in the Gen^l Gov^t & Power to interfere by the Declaration that their Laws would be the Supreme Law of the Land—May declare their Laws to be paramount—Case of the two Creditors not fairly stated—one is to be considered as having a Conveyance of the Debtor's whole Property—Gen^l Gov^t have a Right to say that no more than 1^d an ^{Acre} [“Day” stricken out] ought to be imposed—

M^r Jones—

the Constitution might create Contests—does not know how far Genl Govt could exercise this Power but thinks it could not be exercised fairly and equally not sufficiently informed—Appportionment between the States is easy between the Counties would be difficult—Municipal would be no Rule—cannot take up last point because Circumstances may vary Valuation expensive—all these Difficulties removed by adopting the Amendment—

A Limitation of Exports in the Constitution shew the Power may be limited as to Object—

Clause proposes to give Gen^l Gov^t every Object of Taxation—it is objected that State Gov^{ts} will have no Subject left—Neither State nor Gen^l Gov^t is a comp[mutilated] Gov^t alone—necessary to harmonize—to give some Stability to State Gov^{ts}—this admitted—the Question as to the Extent—the One Side say they have no Support the oth[mutilated] that they are strong enough—the Object of the Amendm^t to give further Support to the State Gov^{ts}—Excise will answer that Purpose & be a Fund for their Support w^h they will not abuse—improper to lim[mutilated] the Quantum of Taxes for the general Gov[mutilated] but some Fund must be fixed for the Sta[mutilated] Gov^t—this will be the proper Fund^o —[“Concurrent Jurisdiction” stricken out] Time will come when both the Excise & Exports must go to [mutilated] Gen^l Gov^t—As to concurrent Juris[mutilated] not to be found in the Constitutio[mutilated] must be deduced from Argume[mutilated] founded upon it—if concurrent Jur[mutilated]tion exists, there must be some Sup[mutilated] Power to controul—& one superintending Tribunal—the Construction is not just clear & necessary—such concurrent Powers ought not to exist & the Construction is not necessary. Between Individuals he should decide in Favor of

M^r Gilb^t Livingston—

not the Shadow of Liberty left in the State—unless Amendm^t takes Place. M^r H. asserted that the Gov^t was Republican—had concurrent Jurisdiction—cannot be depended on in Point of Representation—Power cannot be exercised by two Bodies—States Gov^{ts} necessary will endeavour to support themselves—Gen^l Gov^t will want all the Money they can get, & endeavour to get all they can—

People will be too heavily taxed between both—Gov^{ts} must have a Contest—will be wise to adopt a System that leads to Contest and Confusion—Congress may be corrupt—they are not to be Angels—If Cö-existing Powers exist[“ing” stricken out] the gen^l Gov^t will be unprovided for—Right of Requisition necessary to supply Deficiencies—joint Guardians of the Liberties of the Country—each Gov^t should have determined & separte Funds—holds his Testimony against the Illiberality with which his ^{OWN} Quarter of the House was treated—by the Person who first recommended Candour and Liberality. Will it tend to convince Gentlemen [“that” stricken out] to call them Children—brass Foot of the Image [“hel” stricken out] got up into the Front—Ridicule of the Emblem of Liberty by Vardill and his Associates of King's College* has some Doubt whether the Chancellor is not now of the same Sentiments as formerly—a Tory in Principle—& has abused the Gospel itself

*Attack of old Mr Holt.

M^r Williams—Serving his End—the Constitution not perfect—not even the Gentleman's Wit and Humour—Misrepresentation the Test of Truth—Don Quixote's Battle ^{with the Wind mill—} Second Sight to discover the Committee's Conviction—Chancellor's Speech proceeded from Politeness

M^r Smith—Chancellor's Efforts proceeded from a Wish for Relaxation—follows the Tragedy with a Farce. So M^r Duane's Speech being tragic should be followed by light Performance—Inconsistency between H & Ch. as to Representation—in Ch^r as to federal Gov^t—& Power of ^{new} Gov^t—Creed as to concurrent Jurisdiction—Instance of M^r Cothoudt's Mine—the ^{supposed} Conviction of the Committee a Flight of Fancy—Wants to keep the Purse not the Sword—

As to Loans—improper to have too great a Facility of borrowing

Power of borrowing—

^{provided two thirds of both Houses}
[“if nine States” stricken out] agree—

M^r Jay—

M^r Lausingsh—

Danger from Corruption increases in Proportion to the Money [“borrow” stricken out] in their Coffers. Instead of leaving it with the President to determine—it is left in the first Instance to both Houses—Loans have been made with too much Facility—no Inconvenience has hitherto arisen from Necessity of 9 States—

M^r Clinton—

Treaties—two thirds—

Court of Impeachments—the same—

Convention considered the making of Treaties as more safe by having two thirds of the Senate, & foreign Influence may there be exerted—

M^r Lausingsh—

Does not know Necessity of Loans—except in Case of War—

Interests and Passions of the Community will be interested—

[“Security” stricken out] If Loans necessary d[muti-
lated] not [“know” stricken out] Suppose that the
St[mutilated] will refuse to raise Revenue

Interest of foreign Debt paid by new Loans—a new Loan
now negotiating—

Interest of the [“smaller States” stricken out] Part to
yield to the greater—of the President may operate this
Principle—

M^r Smith—

Shall a Majority have Power [mutilated] War?

Operates to restrain only?

Wars generally entered into fo[mutilated]

Wars of England carried on for [mutilated] & would not
have been carried on without Loans—

M^r Lansingh.

[Page 82.]
3 July 1788
Army

Necessary that standing Armies should exist in some Circumstances—but as a Check upon this Power (w^h may be dangerous to Liberty [“in some Situatio” stricken out]) ^{or regular Troops} proposes that no standing Army be raised or kept up in Time of Peace without consent of two thirds of both Houses present—

M^r Smith—proposes an Amendment—but gives no Reason ^{organizing & c^o the Militia—} for it—

M^r Smith thinks the federal Town should be expunged or ^{federal Town} the Clause amended—but has no Amendment prepared—

M^r Lansingh proposes Amendment that no Powers shall ^{Laws—} be exercised by Congress except such as are expressly given—other Powers to remain with the several States—

No Exception ^{{ [mutilated] portation of Persons}

M^r Lansing's Amendm^t

Suspension to be only to the next Meeting of the Legislature or for six Months— ^{Habeas Corpus}

M^r Gilbert Livingston—not to exten to calling public Defaulters to Account but only to Criminal Cases.— ^{{ Ex post Facto Laws—}

M^r Treadwell moves “that no ^{Amendment} Capitation Tax shall ever be laid”—second Resolution to the same Effect, “as the Opinion of the Committee”— ^{Capitation}

The same

{ from Time to & transmitted to the Executive “once a Year to be laid before the Legislatures of each State”—

Mr Smith

offices— Opinion of Committee that Congress sh^d not consent to any Title of Nobility—

(Another Amendment—[“and” stricken out] at the End of the Clause and Congress shall not consent &c^a—this given up, and the forme one suffered to remain)

impair— Mr Jones observes is a Word of doubtful Signification—
supposes himself called upon Hamilton— says that it is a plain English Word & signifies to weaken or injure—

Mr Jones—admits it is a plain English Word but does not know how far it extends in the Constitution—how far it is allowable to impair Contracts?

[Page 70]
Article 2^d Mr M. Smith means to propose Amendmts as to—Re-eligibility of the President—not suffered to command Army or Navy —nor pardon Treason—
without Consent of the Congress

4 July 1788 Mr Smith

“Resolved as the Opinion of this Committee that the President of the United States shall hold his Office during the Term of seven Years & that he shall not be eligible “a second Time.”

This he says was at one Time a Resolution of the ^{grand} Convention — — (& I suppose we must adhere to that Idea which upon more mature Consideration appeared to them improper.)

Mr Gilb^t Livingston

President may make himself very formidable if he commands the Armies—his Power to pardon also dangerous—

Resolved as the Opinion of this Committee that the President of the United States should never command the ^{Militia or} Army, Navy in Person without the Consent of the Congress, and that he should never grant Pardon for Treason without the Consent of Congress, but may respite until the Pleasure of Congress is known.

M^r Smith—thinks the legislative & executive should be kept apart—that it is improper that the Senate who have the Power of trying Impeachments should appoint Officers—proposes a privy Council—for Appointment of Officers—

Judge Yates proposes an Addition—

M^r Melancthon Smith

5 July 1788 — —

All Writs &c^a to run in the Name of the People of the United States—

3^d Article—

M^r Jones

Section 1st—

says this Article exceptionable in various Instances—does not sufficiently define the Cases to w^h it applies—makes it necessary to institute a Number of Courts—will be dangerous or expensive—may be necessary to have Courts in every County with all their Officers—tho' they may commission the State Courts but this very inconvenient—Jurisdictions may clash—hard to say to what Courts Cases belong—Bankruptcies & Naturalization may come in Question & this not known till the Cause comes to Trial—does not say this may not be collaterally tried in the State Courts. but this is only to be derived from Induction—Want of a Court of Errors for the Supreme Court—New Courts generally tend to the Oppression of the People—L^d Coke's Opinion—necessary to have a Court of Appeal—No Court so like the present Supreme Court as the Star Chamber, composed of privy

Counsellors & other great Men—& if an Appeal had lain might have been beneficial—Two Gov^{ts} should be made to harmonize with & support each other—therefore Jurisdiction in the first Instance should be committed to the State Courts—Continual Squabbles otherwise until one Court swallows the other—the gen^l Courts will probably swallow the State Courts—does not suppose the Supreme Court will be corrupt—wishes to see it independent, but not of the Legislature—Commission of Review—Case of Wales—proposes Amendment.

Intermediate Courts of Appeal necessary.

Amendment Jones—Doubts may arise as to the Expression appellate Jurisdiction both as to Law & Fact—Appeals in this State from Courts of Common Law [“in this State” stricken out] to be by Writ of Error—

Mr. Jones - Amendment— Judges of the Supreme Court not to hold any Office under the United States or any of them—

Sect. 23

D. Cases where a State is a Party not to extend to criminal Causes—

D. No Suit to be brought against any State

D. Controversies about Lands betwe[mutilated] Citizens of the same State.

D. between Citizens of different States [“& Foreigners &c.” stricken out] as to Lands—

It was attempted to make this Constitution too perfect—from a View of particular Inconveniencies—

M^r M. Smith—

Questions arising upon the Constitution go to the Gen^l Judiciary—the Laws of Union are generally to controul—doe[mutilated] understand how Cases in Equity can arise [mutilated] the Constitution—Cases must be decided [mutilated]

lated] Supreme Court as to Taxes, & they will be biassed
in Favor of
 ["as to" stricken out] the Power from w^h they themselves
 are derived—. So as to Cases between Citizens of different
 States—it must be determined in the Sup Court whether
 there is a concurrent Jurisdiction—No express Provision
 as to Trial by Jury, but it is left to the Discretion of
 Congress—Why Disputes between Citiz. of different States
 and Foreigners sh^d go to the fed. Courts he is at a Loss
 to know—No Objectⁿ to the due Admⁿ of Just. hitherto—
 Appeals may lie in criminal Cases from the Trial of a Jury
 both as to Law and Fact—only Security is Trial by Jury
 & in the State, not secured that he shall be tried in the
 Vicinage—nor that he shall be indicted—States may be
 sued also as private Persons.—Is not certain he is right,
 but until convinced can never agree to the Clause—

Mr Jones—

[Page 83.]

Objected to the ^{original} Jurisdiction of the Supreme Court, that it
 is without Appeal.—He does not mean to suppose or imply
 Corruption, but the Judges may be weak or ignorant—
 therefore proposes Commission of Review—the very Knowl-
 edge of which will make the Judges cautious—this alone
 would be a sufficient Reason for him to bring forward this
 Proposition — —

To prevent Jurisdictions being extended by Fiction—
 moves a Resolution to prevent the same being extended by
 Fiction or Collusion—

Article IV.—

passed without any Amendments being proposed—

Article V.—D^o

Article VI.—

Amendment

M^r Lansingh—with Respect to Treaties—Resolved ^{as the Opinion of the Committee} that ^{operate to} the Constitution of no Treaty should abrogate any State, nor to abrogate any Law of the Union.

Amendment—

M^r Smith—Resolved as the Opinion of this Committee that all the Officers of the United States ought to be bound by Oath or Affirm^a not to infringe the Constitution or Rights of the respective States—

Article VII.

M^r Smith—Considers this Article as a notorious Breach of Faith, and of the Confederation—it may be a Precedent for future Breaches of Faith when a Majority of the States shall think proper—

Federal Town

M^r Smith—thinks this Clause should be struck out—moves not to exempt from Taxes.

War

M^r Treadwell—two thirds of Congress to declare War—

Commerce

M^r Smith—No Monopoly, or commercial Company to be erected—

Declaration of Rights

M^r Lansingh—to be inserted into the Ratification—
Gov^r Clinton—

Many Amendments merely declaratory, others of a different Nature, wishes them to be arranged & the Matters offered in Support of the Clauses considered—to give Time for these Purposes, moves that the Committee rise—

8th July 1788

Judge Yates

That the Gentlemen who proposed the Amendments had not yet determined in what Shape they should be brought forward to the House whether as conditional, explanatory or recommendatory—that therefore they had Nothing at present to propose—

9 July 1788

Met and adjourned

11 July 1788

[Page 91.]

M^r M^r Smith.—

Arg^t go too far, to shew that the Convⁿ cannot explain, or add Recommendations as well as Conditions—Congress not to be prohibited from making Requisitions—Reasons of the Gentⁿ go to total Rejection, not to [“condition” stricken out] the Propositions of the Majority.

Reads proposed Ratification

Does not suppose that the Congress will probably exercise the Powers reserved by the intended Ratification—Will they excise our Home Manufactures when we have scarce any? or can the first Congress lay Taxes? Does not mean to dictate? On the Contrary only wishes the fair Consideration of the Subject by a Convention to be called by the other States—
M^r Clinton asks

Whence Congress gets Power to alter the original Confederation?—& to organize the present Gov^t?—If this Question is answered, he will answer the Gentleman's Reasoning?

M^r M. Smith.

The Gov^t has never been fairly before the People as to it's being good or bad—It has been generally adopted from Motives of Expedience—

M^r [“M. Smit” stricken out] Lansingh—

1 As to the Power of the present Convention

The Act of Convention is only to ratify that ^{of} Congress is only transmissive—

Concurrent Resolutions

Power gen^l

Has no Doubt upon that Subject—

2. As to the Power of Congress—query what Right had they to organize the new Gov^t—How can it be presumed from the Ratifications that Congress has a Right to organize—It is an Assumption of Power?

12 July 1788—

M^r Williams—

1. Union absolutely necessary—

2. Old Confederation mischievous—

Only one Side of the Question viewed—their Constituents will consider them as betraying their Interests—Manner of exercising the Power always included in the Power itself—

M. Smith—

Speaks the Sentiments of himself & his Constituents—what is to be done? Supposes we agree upon all other Points except the Conditional—perhaps in an Error as to Power of Congress to call a Convention.

1. Power of Congress—

Militia—
Elections
Excise & direct
Taxes—

Qu. have Congress a Right to lay down Rules for their future Gov^t

Admits that they Cannot restrain or annul the Power of

future Legislatures—but may agree not to exercise it for a certain Time—

Gen^l Legislature cannot annul the Constitution

have a Right to say that no Tax shall be laid upon Suffolk for a certain Time—

Powers may be exercised differently in different Counties—No Inconveniencies from the present Mode—

Are not to adhere to Compacts in setting this Gov^t a Foot—break Compacts in forming this Gov^t—

—present Congress have no Power to accept or [“recieve” stricken out] refuse the Ratification—they have no Right to judge of the Validity of the Ratification—

Next Congress will probably accept the Ratification—This Constitution has never been decided upon properly—Come representing People opposed to the Constitution & must satisfy them—

M^r Lansingh—

Not authorized to go further than was done in the informal Committee — this will not amount to a Rejection — previous & subsequent Amendm^{ts} the only Difference in the County of Albany, between the Parties—

Motives of Expedience, the Reasons why the Constitution was adopted in the several States—

No Cöercion implied in the proposed Conditions, nor Injustice—

Is it proposed to cöerce the dissenting States? —

Septennial Law is a Proof that the Powers of Gov^t cannot be [“devol” stricken out] parted with safely as they may be exercised ag^t the Wishes & Interest of the People—

[ADDITIONAL INDORSEMENT.]

A. H. 1. Leg. p^d

[Hamilton Papers,
vol. VI, p. 124.]

1 Various Interests

Navigating and Non Navigating—

Great and Small—

Struggle for Commercial point two thirds

Struggle for equal power—

Some small states non navigating—

Hence tendency to combination

Necessity of accommodation—

Oeconomy———

¶ Relate difficulties on this point

As to the ratios of representation

I Character of slaves mixed persons & property

II. In many states persons included in census who have
no vote in the state—

III—Representation & Taxation being upon the same
scale will favour impartiality—

As to the number

I—Three objects

1 safety

2 knowlege of local circumstances

3 few—above the many

Ob: Nothing more difficult than to fix the degree of
numbers requisite—constitutions of diff States
differ—

II Ratio ought not to be the same in a large as in a
small nation—

III—first census	100—	
25 years—	200	$\frac{13}{5}$
fifty—	400	$\frac{65}{65}$

☞

Knowledge of local circumstances

I Obejects to be considered—

These commerce taxation

As to taxation state systems—

Elevation of few

I No qualifications either for electors or elected

II 5000 not less fit to choose than 500—not so easily corrupted—

III—How would Governor &c be chosen — —

☞ Numbers will not be augmented

—Large states to increase influence will be for increasing representatives

A Hamilton to M^r Maddison Richmond Virginia

[Madison Papers,
vol. XV, p. 134]

Poughkeepsie June 21. 1788

I thank you for your letter of the 9^h^{instant} and am glad to learn that you think the chance is in your favour. I hope no disagreeable change may happen. Yet I own I fear something from your indisposition.

Our debate here began on the clause respecting the proportion of representation &c which has taken up two days. Tomorrow I imagine we shall talk about the power over elections. The only good information I can give you is that we shall be sometime together and take the chance of events.

The object of the party at present is undoubtedly conditional amendments. What effect events may have cannot precisely be foreseen.

I believe the adoption by New Hampshire is certain

[Letters to Washington, vol. LXXII, p. 305.]

John Langdon to General Washington

State of New Hampshire Concord June 21, 1788

I have the great pleasure of informing your Excellency that this State has this ^{day} Adopted the Federal Constitution, 57 Yeas 46 Nays—thereby placing the Key Stone in the great Arch, this I hope will Apologize in some measure, for our heretofore Missdoings

[Letters to Washington, vol. LXXII, p. 307.]

Tobias Lear to His Excellency General Washington.

Portsmouth 22^d June 1788.

I have the pleasure to inform you that the Constitution was yesterday adopted by the Convention of this State after a Session of four days;—the number in favor of the adoption was 57—against it 46. The majority, tho' small, is very respectable, as it is pretty well ascertained that at least $\frac{3}{4}$ of the property, & a larger proportion of the abilities in the State are friendly to the proposed system. The opposition here (as has generally been the case) was composed of men who were involved in debt, and of consequence would be averse to any government which was likely to abolish their tender Laws and cut off every hope of accomplishing their favorite plan of introducing a paper currency. The behaviour of the minority (except a few) was however candid & conciliatory; and the event was peculiarly pleasing to every inhabitant of this town & its vicinity.

The Independent Companies of Horse & the Militia will assemble tomorrow to conduct his Excellency President Langdon into town, but whether there will be any procession, as has been exhibited in other places on the occasion, I do not know, but think there will not

I take the liberty to enclose a copy of the amendments recommended by this Convention;—they were drawn up more with a view of softening & conciliating the adoption to some who were moderate in their opposition than from an expectation that they would ever be engrafted in the Constitution.

[For the amendments see Doc. Hist., II. 142.]

* * * * *

P. S. The Constitution was ratified on Saturday at 1. P. M.—I am thus particular as Virginia might have adopted it on the same day, & in that Case the hour ["would" stricken out] must be known to determine which was the ninth State.

J^s Madison Jr— to The Hon^{ble} Alexander Hamilton in
Congress New York

[Hamilton Papers,
vol. XX, p. 121.]

Richmond June 22. 1788.

The Judiciary Department has been on the anvil for several days; and I presume will still be a further subject of disquisition. The attacks on it have apparently made less impression than was feared. But they may be secretly felt by particular interests that would not make the acknowledgment, and w^d chuse to ground their vote agst the Constitution on other motives. In the course of this week we hope for a close of the business in some form or other. The opponents will probably bring forward a bill of rights with sundry other amendments as conditions of ratification. Should

these fail or be despaired of, an adjournment will I think be attempted. And in case of disappointment here also, some predict a secession. I do not myself concur in the last apprehension; though I have thought it prudent to withhold, by a studied fairness in every step on the side of the Constitution, every pretext for rash experiments. The plan meditated by the friends of the Constitution is to preface the ratification with some plain & general truths that can not affect the validity of the Act: & to subjoin a recommendation which may hold up amendments as objects to be pursued in the constitutional mode. These expedients are rendered prudent by the nice balance of numbers, and the scruples entertained by some who are in general well affected. Whether they will secure us a majority, I ^{dare not} positively to declare. Our calculations promise us success by 3 or 4; or possibly 5 or 6 votes. But were there no possibility of mistaking the opinions of some, in reviewing those of so many, the smallness of the majority suggests the ["chances of" stricken out] danger from ordinary casualties which may vary the result. It unluckily happens that our legislature which meets at this place tomorrow, consists of a considerable majority of antifederal members. This is another circumstance that ought to check our confidence. As individuals they may have some influence, and as coming immediately from the people at large they can give any colour they please to the popular sentiments at this moment, and may in that mode throw a bias on the representatives of the people in Convention.

J: Rutledge Junior to Monsieur de Jefferson Ministre des
 Etats Unis de l'Amerique Paris

[Jefferson Papers,
 series 2, vol. 1, XIX,
 No. 91.]

Hague June 22^d 1788

* * * * *

I have this moment received Letters from Charleston dated April 17th they mention that the election came on the the preceeding day for Delegates to the Convention—that they had not received returns from the Country but that in the City & the neighbouring Districts the Elections had been made with very great judgement & that it was very certain that the new Constitution will be accepted—

G^o Washington to The Rev^d Doct^r Lathrop

Mount Vernon June 22^d 1788

[Washington Pa-
 pers, Letter-book 6C,
 p. 153. Transcript.]

* * * * *

I am happy to find that the proposed general Government meets with your approbation as indeed it does with that of most disinterested and discerning men. The Convention of this State is now in session, and I cannot but hope (from all the accounts I receive) that the Constitution will be adopted by it—though not without considerable opposition. I trust, however, that the commendable example exhibited by the minority in your State will not be without its salutary influence in this. In truth it appears to me that (should the proposed government be generally and harmoniously adopted) it will be a new phenomenon in the political and moral world; and an astonishing victory gained by enlightened reason over brutal force—

W^m Duer to Hon^{le} James Madison Esq^rNew York June 23^d 1788

As it is probable you may not hear by this Post from our mutual Friend Col^o Hamilton; I take the Liberty of giving you a Short Sketch of our political Prospects, in this Quarter, on the great Question of the Constitution—My Information is from Col^o Laurence, who left Pokeysie on Saturday—

A Considerable Majority of the Convention are undoubtedly Antifederal; or in other Words, wish for Amendments previous to the adoption of the Government—A few of the Leaders (amongst which I think I may without Scruple class the Governor) would, if they could find Support, go farther; and hazard Every thing rather than, agree to any System which tended to a Consolidation of our Governments—Of this however I have at present no Apprehensions; many of their Party having avowed themselves, Friends to the Union—With Respect to Amendments, as far as I can understand the Party in Opposition, cannot agree amongst themselves. It is therefore possible that this Circumstance may create a Division in favor of the Fæderalists—As to the Rejection of the Constitution, there is not the least [“Question” stricken out] Probability of it—The great Points of [“Division” stricken out], will probably be; whether they will adjourn without coming to any Decision;—whether they will adopt it conditionally; or whether they will follow the Example of Massachusetts & S Carolina—

The Conduct of your Convention will influence in a very great Degree ours; if you adjourn without doing any thing, we shall do the same—but if you do not, there is still some Prospect that we may adopt with proposed Amendments;—

for as to the second Point, the Inconsistency of it will I think be too apparent, after a Discussion, to command a Majority—Whilst I am writing a Gentleman has favored me with a Copy of a Letter from an Intelligent Bystander, who has attended the Debates of our Convention—I therefore enclose, it as a more faithful History than I can give—
 [Enclosure missing.]
 Mr Hopkins will do me the favor of delivering this.

G^o Washington to The Hon^{ble} James Madison

[Washington Papers, Letter-book 6C, p. 155. Transcript.]

Mount Vernon June 23^d 1788

Since my last, in acknowledgment of the first letter you did me the favor to write to me after your arrival in Richmond, I have received your subsequent ones of the 13th & 18th Inst^t which, though less favourable than the first, are more pleasing than suspence. I will yet hope, that the good sense of this Country, maugre all the arts of opposition, will ultimate decide right on the important question which is depending before the Convention of it.

I hear with real concern of your indisposition—at Fredericksburg (on a visit to my aged and infirm Mother) I learnt that you intended to proceed immediately from Richmond to New York. * * *

J^s Madison Jr to [George Washington]

[Letters to Washington, vol. LXXII p. 312. Madison Papers, vol. IV, p. 43. Copy.]

Richmond June Tuesday 25.

We got through the constitution by paragraphs today. Tomorrow some proposition for closing the business will be made. On our side a ratification involving a few declaratory truths not affecting its validity will be tendered. The oppo-

sition will urge previous amendments. Their conversation to day seemed to betray despair. Col. Mason in particular talked in a style which which no other sentiment could have produced. He held out the idea of civil convulsions as the effects of obtruding the Government on the people. He was answered by several and concluded with declaring his determination for himself to acquiesce in the event whatever it might be. M^r H-y endeavoured to gloss what had fallen from his friend, declared his aversion to the Constitution to be such that he could not take the oath; but that he would remain in peaceable submission to the result. We calculate on a majority, but a bare one. It is possible nevertheless that some adverse circumstance may happen.

[Letters to Washington, vol. LXXII, p. 311.]

Eben Hazard to [George Washington]

General Post Office, New York June 24th 1788

* * * * *

The Attention of Politicians here is wholly engrossed by the new Constitution. The Information received of late from New Hampshire leaves little or no Reason to doubt of its Adoption by that State, and the Gentlemen in Congress from thence consider it as a certain Event. The Convention of this State is now sitting at Poughkeepsie, and the Antifederalists have a decided Majority in that Body:—we are told that their Conduct is more temperate than was at first expected, and some are sanguine enough to believe that the Necessity of the Case will induce them to adopt the new Constitution:—others, perhaps better informed, seem confident that they will make certain

Amendments the Condition of their adopting it:—in my Opinion much depends upon the Conduct of Virginia, for whose Decision we wait with anxious Impatience:—should that be favorable, New York will have no Supporter, in Case of a Rejection, but Rhode Island, and the Union will have but little to apprehend from either the Politics or Power of both.

[Notes in the New York Convention.]

[Hamilton Papers,
vol. VI, p. 117¹².]

Lansing—

mode of appointment

duration in office

means of controul— Chancellor— ^{Senators} equally interested

Senate intended as representation in preserving the
of the sovereignties of the states— residuary powers—

Therefore ought to be dependent.

|States have never exercised

|power of rotation———

Rotation in Congress has been valuable—

Parties have been extinguished—

Will not have less stability—

If there no danger that they

may betray their trust—

Small number—

Sickness of a member—

Non attendance—

Will other members be solicitous
to compell attendance? }

- M^r Lansing - - - Representatives will
- | | |
|------------------------|---------------------------|
| 1—to make them actual | be guardians of state |
| repres: | sovereignities. |
| 2 to make them depend- | |
| ent— | |
| 3 Knowledge of circum- | |
| stances best promoted. | |
| 4 Perpetual body— | Perpetuation of Fae- |
| 5 Corruption | tion— |
| 6 Local views ought to | Can represent be divested |
| be regarded— | of local views? |

[Id. p. 117.]

Observations on Necessity of—
stable principle—

Necessary of considerable duration
for knowledge
responsibility
sense of national character
safety against executive.

Influence of the states

Melancton Smith—

Senate ought to have power
to perpetuate themselves—

Lansing Contrast views of the states
with the views of the people

State passions &c will operate.

Lansing—Representation of the States
Representation of States
raise an army
controul

Smith impossible to form a genuine representation—

Therefore must check

Therefore must weaken the senate.

Question whether a sufficient stability

will not be given?—

Six years sufficient to acquire

but when practice?

Unchangeable body

Distance will weaken dependence.

Policy of the present confederation.

Ph: Schuyler to Honorable James Madison Esq^r

[Madison Papers,
vol. XV, p. 136.]

Poughkeepie June 24th 1788

This moment an express is arrived from New Hampshire, conveying the ["int" stricken out] happy intelligence contained in a letter, of which you have a copy at bottom of this. Colonel Hamilton is in convention, and has requested me to forward this advice to you

Unless the adoption by New Hampshire should alarm ^{the fears of those in opposition} \ ["those" stricken out] in the convention here, they will I apprehend persevere in the intention which they have decidedly evinced of adoption ["conditioned" stricken out] predicated on previous Amendments, and those such as would render the new Government very little, If any ["thing" stricken out] more energetic than the present.

If the convention should rise, before the stage, which is now here, leaves this, Colo. Hamilton will probably write you by that Conveyance; Your letter of the 13 Arrived last Evening.—

[On the same sheet
as the preceding letter.
Copy.]

Jn^o Langdon to Honble. Alexander Hamilton Esq^r

State of New Hampshire Concord June 21th 1788

By the Desire of our Mutual Friend Rufus King Esq^r I have the great pleasure and satisfaction of informing you, that this State, has this day Adopted the federal Constitution this alimportant Question, was Carried by a Majority of Eleven 57 Yeas 46 Nays

P: S: this letter goes to Springfield by an express which Ive sent for this purpose to the Care of William Smith Esq^r of that place who is to forward it to you.

[Hamilton Papers,
vol VI, p. 116.]

I Every government ought to have the means of self preservation

II—Combinations of a few large states might subvert

II—Could not be abused without a revolt

II Different genius of the states & different composition of the body

Note. Senate could not desire to promote such a class

III Uniformity in the time of elections—

Objects of a Senate

To afford a double security against Faction in the house of representation

Duration—of the Senate necessary to its Firmness

Information

sense of national character

Responsibility

Ed. Carrington to M^r Madison in Convention at Richmond [Madison Papers, vol. XV, p. 135.]
New York June 25. 88

I was honoured with your favor of the 13th Instant. I hope the Kentucky members must have seen that all the objections which have been brought forward by the Anti-federelists, upon the ground of the Mississippi are fallacious. M^r Brown, our Colleague from that Country, is fully convinced of this, and has written to that purpose, to some of the Gentlemen who are attending in convention. I should suppose that his opinion must have weight, as he is zealously attentive to the ^{Interests of the} Western settlers.

But little discovery has yet been made of the turn likely to be given to the business in the Convention of New York. the inclosed papers contain the speeches of the Chancellor for, and of M^r Lansing against the constitution. were an Assembly collected disposed to profit by discussion, I would not wish a better advocate for ^{the} adoption than M^r Lausing—

Ed. Carrington J: Brown C Griffin to The Honble James Madison, in his absence, Governor Randolph in Convention Richmond [Madison Papers, vol. XV, p. 137.]

¹/₂ after 12. June 25. 1788

The Inclosed this moment came to hand—contemplating [Schuyler to Madison, supra, p. 753.] the critical state of the subject it concerns in Virginia we thought it best to dispatch it by express, rather than depend on the progress of the post.

[INDORSEMENT ON COVER.]

Saturday 28th Ins^t, forwarded from Alexandria by Your Hum Serv^t D Henley

[Madison Papers,
vol. IV, p. 44. Copy.]

Js. Madison Jr to Gen^l Washington

Richmond June 25. 1788.

On the question to-day for previous amendments, the votes stood 80 ays—88 noes—On the final question the ratification passed 89 ays—79 noes. Subsequent amendments will attend the Act; but are yet to be settled. The temper of the minority will be better known to morrow. The proceedings have been without flaw or pretext [^{of}“for” stricken out] it; and there is no doubt that acquiescence if not cordiality will be manifested by the unsuccessful party. Two of the leaders however betray the effect of the disappointment, so far as it is marked in their countenances.

[Jefferson Papers
series 2, vol. XIV. No
80.]

John Brown Cutting to His Excellency Tho^s Jefferson
Esquire.

London 26 June 1788

* * * * *

D^r Shippen informs me, dating May 12th that Maryland has adopted the new national government—and that South Carolina was expected to ratify the same in about ten days from the period of his thus announcing it. There is in London a very accurate list of the names of the state Convention—which I imagine is now assembled in Virginia—marked by a member of that body—with the supposed determination of each individual on the great question. The majority in favour of adopting is but small—according to this statement. Among those who are for the measure Governor Randolph it seems has marked his own name in the margin. I have not seen this paper; but the account I have reason to believe genuine.

[Alexander Hamilton] to The Honorable James Maddison
Jun^r Richmond Virginia

Friday Morning June 27—1788

[Madison Papers, vol. XV, p. 140. The cover shows that this letter was forwarded from Richmond to New York.]

A day or two ago General Schuyler at my request sent forward to you an express with an account of the adoption of the Constitution by New Hampshire. We eagerly wait for further intelligence from you, as our only chance of success depends on you. There are some slight symptoms of relaxation in some of the leaders; ["but" stricken out] which authorises a gleam of hope, if you do well; but certainly I think not otherwise—

Js. Madison Jr to [George Washington]

Richm^d: June 27. 1788

[Letters to Washington, vol. LXXII, p. 315. Madison Papers, vol. IV, p. 48. Copy.]

The Convention came to a final adjournment to day. The inclosed is a copy of their Act of ratification with the yeas & nays. A variety of amendments have been since recommended; several of them highly objectionable; but which could not be parried. The Minority are to sign an address this evening which is announced to be of a peace-making complexion. Having not seen it I can give no opinion of my own. I wish it may not have a further object. Mr H—y declared previous to the final question that altho' he should submit as a quiet citizen, he should sieze the first moment that offered for shaking off the yoke in a Constitutional way. I suspect the plan will be to engage $\frac{2}{3}$ of the Legislatures in the task of undoing the work; or to get a Congress appointed in the first instance that will commit suicide on their own Authority.

[Enclosure missing.]

Mel Smith—

Powers ought to be precisely defined—

Peculiarly so in [^a“the” stricken out] government of the particular kind.

Ought to rest as well for operation as organisation—

Harmony.

—Money necessary to existence of both—

Interference or clashing of power—

And one must fall a sacrifice to the other.

No limitation to discretion of legislature—

State Governments & G Government have concurrent jurisdiction in all cases but imposts Tonage Poundage—.

In all cases of interference as the laws of the U S. are supreme they must prevail—

Every government finds use for all the money it can raise—

Conveniency of the People will suffer them to pay—

Two sets of Supervisors—&^c

Two sets of Courts—

Plantation—

Which side will prevail—

Exclusive possession of [^a“force” stricken out]—impost
force

so long as attachment lasts the state Gov. cannot be destroyed—

No example of a republican Government of similar extent—

Same authorities declare that governments over very great extent must be despotic.

Provide a system which could superintend Taxation
throughout this extensive Country—

Turkish dominions

Proper representation

Astonishing that we have done so well—

["G. Govern" stricken out]

G. U Netherlands—

Can any government calculate upon ["laying" stricken
out] collecting all their taxes—?

Requisitions—

 Improvement of the Country

Diversity between the Counties—

Williams

Electors Germany

—Sophistical Constructions of men who may be inter-
ested in betraying the liberties of the people & erecting
themselves on the liberties of the people—

Either that the people will be doubly taxed—or state
governments destroyed—

Engl: 'marriages & deaths—light

Chancellor

Js. M.[adison] Jr to The Hon^{ble} Alexander Hamilton in [Hamilton Papers,
vol XX, p. 123.]
Congress New York

Rich^d June 27.

This day put an end to the existence of our Convention.
The inclosed is a copy of the Act of Ratification. It has [Enclosure miss-
ing.] been followed by a number of recomendatory alterations;
many of them highly objectionable. One of the most so is
an article prohibiting direct taxes where effectual laws shall

be passed by the States for the purpose. It was impossible to prevent this error. The minority will sign an address to the people. The genius of it is unknown to me. It is announced as an exhortation to acquiescence in the result of the Convention. Notwithstanding the fair professions made by some, I am so uncharitable as to suspect that the ill-will to the Constitution will produce every peaceable effort to disgrace & destroy it. M^r H—y declared previous to the final question that although he should submit as a quiet citizen, he should wait with impatience for the favorable moment of regaining in a constitutional way, the lost liberties of his country. My conjecture is that exertions will be made to engage $\frac{2}{3}$ ds of the Legistures in the task of regularly undermining the government. This hint may not be unworthy of your attention.

[The Papers of the
Continental Con-
gress, No. 71, vol. II,
p. 611.]

Edm^d Pendleton President to His Excellency The President
of Congress.

Virginia June 28th 1788

A General Convention of the people of this Commonwealth, having ratified on their part the Constitution proposed for the Government of the United States; by their direction I have the honor of transmitting to Congress, through your Excellency, the Instrument of Ratification, together with sundry amendmends which they wish to take place therein, after being considered in the mode prescribed in the Constitution;

[Enclosures printed
in Doc. Hist. II,
43-17, and 47-55.]

G^o Washington to Charles Cotesworth PinckneyMount Vernon June 28th 1788[Washington Papers, Letter-book 2C,
p. 163. Transcript.]

I had the pleasure to receive, a day or two ago, your obliging letter of the 24th of last month, in which you advise me of the ratification of the federal Constitution by South Carolina. By a more rapid water conveyance, that good news had some few days before arrived at Baltimore, so as to have been very opportunely communicated to the Convention of this State, in session at Richmond. It is with great satisfaction, I have it now in my power to inform you that, on the 25th instant, the Delegates of Virginia adopted the Constitution, in toto, by a division of 80 in favour of it to 79 against it: and that, notwithstanding the majority is so small, yet, in consequence of some conciliatory conduct and recommendatory amendments, a happy acquiescence it is said is likely to terminate the business here—in as favorable a manner as could possibly have been expected.

No sooner had the Citizens of Alexandria (who are federal to a man) received the intelligence by the Mail last night^r than they determined to devote this day to festivity. But their exhilaration was greatly encreased and a much keener zest given to their enjoyment, by the arrival of an Express (two hours before day) with the News that the Convention of New Hampshire had, on the 21st instant, acceded to the new Confœderacy by a majority of 11 voices, that is to say, 57 to 46.

Thus the Citizens of Alexandria, when convened, constituted the first public company in America, which had the pleasure of pouring libation to the prosperity of the ten States that had actually adopted the general government. The day itself is memorable for more reasons than one. It

was recollected that this day is the Anniversary of the battles of Sullivan's Island and monmouth—I have just returned from assisting at the entertainment; and mention these details, unimportant as they are in themselves, the rather because I think we may rationally indulge the pleasing hope that the Union will now be established upon a durable basis, and that Providence seems still disposed to favour the members of it, with unequalled opportunities for political happiness.

From the local situation as well as the other circumstances of North Carolina, I should be truly astonished if that State should withdraw itself from the Union—On the contrary, I flatter myself with a confident expectation that more salutary counsels will certainly prevail. At present there is more doubt how the question will be immediately disposed of in New York. For it seems to be understood that there is a majority in the Convention opposed to the adoption of the New fœderal System. Yet it is hardly to be supposed, (or rather in my judgment it is irrational to suppose) they will reject a government, which, from an unorganised embryo ready to be stifled with a breath, has now in the maturity of Its birth assumed a confirmed bodily existence. Or, to drop the metaphor, the point in debate has, at least, shifted its ground from policy to expediency. The decision of ten States cannot be without its operation. Perhaps the wisest way, in this crises, will be, not to attempt to accept or reject—but to adjourn, untill the people in some parts of the State can consider the magnitude of the question and & of the consequences involved in it, more coolly and deliberately.—After New York shall have acted, then only one little State will remain—suffice it to say, it is universally believed, that the

scales are ready to drop from the eyes and the infatuation to be removed from the heart of Rhode Island. May this be the case, before that inconsiderate People shall have filled up the measure of inequity before it shall be too late!

* * * * *

G^o Washington to Maj^r Gen^l Lincoln

Mount Vernon June 29th 1788

[Washington Papers. Letter-book 6C p. 166. Transcript.]

I beg you will accept my thanks for the communications handed to me in your letter of the 3^d instant—and my congratulations on the encreasing good dispositions of the Citizens of your State of which the late elections are strongly indicative. No one can rejoice more than I do at every step the people of this great Country take to preserve the Union establish good order and government—and to render the Nation happy at home and respectable abroad. No Country upon Earth ever had it more in its power to attain these blessings than United America. Wonderously strange then, and much to be regretted indeed would it be, were we to neglect the means and to depart from the road which providence has pointed us to, so plainly—I cannot believe it will ever come to pass—The great Governor of the Univese has lead us too long and too far on the road to happiness and glory to forsake us in the midst of it—By folly and improper conduct, proceeding from a variety of causes, we may now and then get bewildered; but I hope and trust that there is good sense and virtue enough left to recover the right path before we shall be entirely lost. You will, before this letter can have reached you, have heard of the Ratification of the new Government by this State. The

final question without previous amendments was taken the 25th Ayes 89—Noes 70; but something recommendatory, or declaratory of the rights the ultimate decision. This account and the news of the adoption by New Hampshire arrived in Alexandria nearly about the same time or Friday evening; and, as you will suppose, was cause for great rejoicing among the Inhabitants who have not I believe an Antifederalist among them. Our Accounts from Richmond are, that the debates, through all the different Stages of the business, though and animated, have been conducted with great dignity and temper.—that the final decision exhibited and awful and solemn scene, and that there is every reason to expect a perfect acquiescence therein by the minority,—not only from the declaration of M^r Henry, the great leader of it, who has signified that though he can never be reconciled to the Constitution in its present form, and shall give it every constitutional opposition in his power yet that he will submit to it peaceably, as he thinks every good Citizen ought to do when it is in exercise and that he will both by precept and example inculcate this doctrine to all around him.

There is little doubt entertained here now of the ratification of the proposed Constitution by North Carolina; and however great the opposition to it may be in New York the leaders thereof will, I should conceive, consider well the consequences before they reject it. With respect to Rhode Island, the power that governs there, has so far baffled all calculation on this question that no man would chuse to hasard an opinion lest he might be suspected of participating in its phrensy.

John Jay to His Ex^y Gen^l Washington.

[Letters to Washington, vol. LXXII, p. 319.]

Your obliging Letter of the 8 Inst. found me at this Place—

I thank you for the interesting Circumstances mentioned in it. The complection of our Convention is such as was expected. They have hitherto proceeded with Temper & moderation, but there is no Reason to think that either Party has made much Impression on the other. The Leaders in opposition seem to have more extensive Views than their Adherents, and untill the latter percieve that circumstance, they will probably continue combined. The greater Number are I believe averse to a vote of Rejection—some would be content with recommendatory amendments—others wish for explanatory ones to settle Constructions which they think doubtful—others would not be satisfied with less than absolute and previous amendments; and I am mistaken if there be not a few who prefer a separation from the Union to any national Government whatever. They suggest Hints of the Importance of this State, of its capacity to command Terms, of the policy of its taking its own Time, and fixing its own Price &c:—they intimate that an adjournment may be expedient, and that it [^{might} "would" stricken out] be best to see the operation of the new Governm^t before they recieve it—

The people however are gradually coming right notwithstanding the singular Pains taken to prevent it. The accession of New Hampshire does good—and that of Virginia would do more—

[Hamilton Papers, vol. XX, p. 128. Postmarked, Richmond, June 30.]

J^s Madison^s Jr to The Honble Alexander Hamilton in
Congress N: York

Inclosed is the final result of our conventional deliberations. The intended address of the Minority proved to be of a nature apprehended by me. It was rejected by the party themselves when proposed to them, and produced an auspicious conclusion to the business. As I shall set out in a few days for N. York, I postpone further explanations. I have this instant the communications from N. Hampshire, via Poughkepsy; also your two favors of the 19 & 20.

[Madison Papers, vol. XVI, p. 9. The cover shows that this letter was forwarded July 11 from Richmond to New York.]

A Hamilton to The Honorable James Madison Jun^r Esq^r
Richmond Virginia

Your letter of the 20^h came to hand two days since. I regret that your prospects were not yet reduced to greater certainty. There is more and more reason to believe that our conduct will be influenced by yours.

Our discussions have not yet travelled beyond the power of taxation. To day we shall probably quit this ground to pass to another. Our arguments confound, but do not convince—Some of the leaders however appear to me to be convinced by circumstances and to be desirous of a retreat. This does not apply to the Chief, who wishes to establish Clintonism on the basis of Antifederalism.

[Letters to Washington vol. LXXII, p. 329.]

John Jay to His Excellency General Washington

Poughkeepsie 4 July 1788

I congratulate you my dear Sir! on the Adoption of the constitution by Virginia. That Event has disappointed

the Expectations of Opposition here, which nevertheless continues pertinacious. The Unanimity of the southern District, and their apparent Determination to continue under the Wings of the union, operates powerfully on the Minds of the opposite Party. The constitution constantly gains Advocates among the People, and its Enemies in the Convention seem to be much embarrassed.

8 July 1788

We have gone thro' the Constitution in a Committee of the whole—We finished [^{yesterday} "this" stricken out] Morning. The amendments proposed are numerous—how we are to consider them, is yet a Question, w^h a Day or two more must answer. A Bill of Rights has been offered with a View as they say of having it incorporated in the Ratification. The Ground of Rejection therefore seems to be entirely deserted—We understand that a committee will this Day be appointed to arrange the amendments—We learn from Albany that an affray happened there on the 4 Inst: between the two parties, in which near thirty were wounded, some few very dangerously.

From what I have just heard the Party begins to divide in their opinions—some in [^{sist} "stead" stricken out] on previous conditional amendments—a greater number will be satisfied with subsequent conditional amendments, or in other words they are for ratifying the Constitution on Condition that certain amendments take place within a given Time—These circumstances afford Room for Hope—

[Madison Papers, A. Hamilton to The Honorable James Madison Jun^r Esq^r
vol. XVI, p. 1.]

Richmond Virginia

New York July 8. 88

I felicitate you sincerely on the event in Virginia; but my satisfaction will be allayed, if I discover too much facility in the business of amendment-making. I fear the system will be wounded in some of its vital parts by too general a concurrence in some very injudicious recommendations—I allude more particularly to the power of taxation. The more I consider Requisition in any shape the more I am out of humour with it.

We yesterday passed through the constitution. To day some definitive proposition is to be brought forward; but what we are at a loss to judge. We have good reason to believe that our opponents are not agreed, and this affords some ground of hope. Different things are thought of—Conditions precedent, or previous amendments; Conditions subsequent, or [“ame” stricken out] the proposition of amendments upon condition, that if they are not adopted within a limited time, the state shall be at liberty to withdraw from the Union, and lastly recommendatory amendments. In either case constructive declarations will be carried as far as possible. We will go as far as we can in the latter without invalidating the act, and will concur in rational recommendations. The rest for our opponents.

We are informed, There has been a disturbance in the City of Albany on the 4th of July which has occasioned bloodshed—The antifederalists were the aggressors & the Federalists the Victors. Thus stand our accounts [“if” stricken out] present. We trust however the matter has ^{been} passed over & tranquillity restored

Th: Jefferson to John Brown Cutting esq.

Paris July 8. 1788.

[Jefferson Papers
series 1, vol. III, No.
114. Press copy.]

* * * the first vessels will probably bring us news of the accession of S. Carolina & Virginia to the new Confederation. the glorious example of Massachusetts, of accepting unconditionally, and pressing for future amendment, will I hope reconcile all parties. the argument is unanswerable that it will be easier to obtain amendments from nine states under the new constitution, than from thirteen after rejecting it. as our information here is much less quick than at London, you will much oblige me by dropping me a line of information as the accession of the other states becomes known to you. * * *

July 11. since writing this letter I receive from America information that S. Carolina has acceded to the new constitution by a vote of 149 against 72. I hope Virginia will now accede without difficulty.

Extract of a letter from Doctor Brooke at Fredericksburgh, to D^d Stuart—dated July 10th 1788—

[Letters to Washington, vol. LXXII, p. 336.]

Since then, I was informed by the Honourable James Mercer, that his Brother Col^l John Mercer, who was at that time in this town, was furnished with documents to prove, that Gen^l Washington had wrote a letter upon the present Constitution, to Governor Johnson of Maryland; and that Governor Johnson was, so much displeased with the officiousness of Gen^l Washington, as to induce him to take an active part in bringing about the amendments proposed by a Committee of the Convention of Maryland—

Jn^o Sullivan to Hon^{ble} Colo Hamilton New York

Durham July 10th 1788

[Hamilton Papers, vol. XXXIX, p. 227.]

Cap^t Roche who was employed by me in consequence of your direction to forward the news of New Hampshires hav-

ing adoptèd the new Constitution called on me this Day with the Inclosed Account the Ballance of which I paid him in Cash and have taken the Liberty of drawing on you for the same with the addition of seven shillings more which is the Loss by Discount & postage at $3\frac{1}{2}$ per Cent his Laming a horse was unfortunate but could not be avoided I shew him your Letter to me and in every respect complied with your directions and I have no Doubt of his having used every Exertion to fulfill your commands and as I have advanced the Cash I doubt not my Bill will be duly honoured

[Jefferson Papers,
series 2, vol. XIV,
No. 87.]

John Brown Cutting to His Excellency Thomas Jefferson
Esquire.

London July 11. 1788

I am to congratulate you upon the adoption of the new national constitution of our country by the State of South Carolina. I cannot ascertain the precise numbers of the Convention—but the main question was carried by a majority of sixty six members—not without warm debate. I have mutilated a couple of newspapers which contain nothing beside the intelligence stamp'd on the columns cut out. From the specimen of eloquence and argument impressed on one of them a fair estimate may be formed of the talents of the Minority. That of Maryland exhibited proofs of ripeness of ability. It seems to me (if it were not rash either to form or offer any opinion at this distance) that some of the gentlemen warmly opposed to an acceptance of the plan (in the back counties of Virginia) have diffused their objections throughout those of the two Carolinas which are most remote from the atlantic shores. In North Carolina violent con-

tests at the election of members for their state Convention by a few of those tramontane districts, have resulted. In one instance the operation of those intrigues to which I refer ^{probably} induced a majority of the voters to bestow their suffrages on men extremely obscure and unfit from excessive ignorance—as is alleged—to discuss or decide upon so great a question. In consequence of this conception the election was interrupted by those who wished men more enlighten'd—or as the phrase is—more federal. And by force of club-law their antagonists were defeated. I understand that North Carolina but for such forceful zeal in several parts of the Country wou'd not have exhibited a Convention so united in support of national system ^{as is now the promise} The prospect now is ^{that} they will ratify at any rate. In apology for electioneering violences in that state, which few considerate citizens of our union will approve or attempt to justify, it may be urged that among the whole thirteen there is not a community, the internal and ferocious disturbances of which more loudly exact the interference of national authority and controul, such as is meant to be delegated by the ratification thus eagerly sought. Already the conflicts for independent power between those who denominate themselves citizens of Frankland and the residue of their neighbours who adhere to the legitimate government—have issued in blood:—armed parties within these few months—have assaulted each other in open warfare—besieged dwelling houses—inflicting mutual and mortal wounds; and menacing future feuds in which if not over-aw'd or quell'd by legal authority confessedly paramount to both parties and in some measure constituted for this express purpose—the worst sort of unsubdueable anarchy might be expected to result.

When I contemplate such events and the probability that similar ones—might be engendered in various quarters of the union—unless a strong superintending power vest in the general government capable to curb individual licentiousness and suffocate the germ of future discord; I am not surprized at the energy of almost the whole body of our enlighten'd and leading characters in every state—who otherwise wou'd seem actuated with an unnecessary ^{if not} ["and" stricken out] intemperate zeal in a great and a good cause. Thus a person who were superficially to peruse the proceedings even of the liberal and patriotic Convention of Maryland—wou'd be led to imagine that the objections and arguments of the Minority—were treated with too much levity & even disdain by the majority. Whereas a minute scrutiny into the motives and the measures of each party wou'd satisfy a candid enquirer. It is not a solecism to say that the opposition to a thorough reform of the fœderal government began in Maryland—even before the agitation of the question in the general Convention at Philadelphia. M^r Martin, the attorney general, who was primarily appointed to that office by M^r Chase—was by the same influence deputed to represent the state—after Mes^{rs} Carrol, Johnson &c &c the first choice of the legislature declined quitting Maryland even upon the important business of new-framing the national government. M^r Chase having just before menaced the Senate for rejecting a wide emission of paper money—and appealed to the people against them—they had joined in that general issue—and cou'd not venture to relinquish to a violent and headstrong party their active influence in the senate as well as in the lower house—at the very moment—when it was so essentially needed to stem

the torrent of the populace for ^{the} paper. Those Gentlemen therefore remained at home—convinced their fellow citizen of their superior rectitude and wisdom—and defeated that favourite measure of M^r Chase: meanwhile M^r Martin and M^r John F. Mercer—a young gentleman whom you well know—went to the general Convention—opposed the great leading features of the plan which was afterwards promulged—withdrew themselves from any signature of it:—and from the moment when it was proposed for ratification—in conjunction with M^r Chase and his sure coadjutor M^r Paca—exerted every effort to hinder its adoption. So far did M^r Martin proceed in his avowed hostility, ^{even} as to detail in the face of decency—before the assembled Legislature of Maryland—the petty dialogues and paltry anecdotes of every description—that came to his knowledge in conventional committees and private conversations with the respective members of the Convention—when at Philadelphia. I blush'd in my own bed-chamber when I read his speech on this side of the Atlantic. An hostility so premature and determin'd did certainly render those Gentlemen who waged it, obnoxious to many of their fellow citizens—who likewise recollected their warm conduct relevant to the bills of credit—which they ^{had so recently} urged Maryland to issue. When the Convention met on the 21st of April—whatsoever proposition came from Mes^{rs} Chase, Paca, Martin or Mercer—was viewed with jealousy or disgust—and generally rejected—by a great majority. Nay so far did this disposition to neglect their sentiments prevail that even to their well grounded objections and most cogent arguments no reply was made—a great majority remained inflexibly silent—or called for the

main question—which on [“friday” stricken out] saturday the 26th was carried by 63 to 11. After which M^r Paca renewed a proposition [“whic” stricken out] which had been rejected the day before—for the appointment of a committee to consider and report what amendments shon’d be recommended by the convention of Maryland—when 66 voted for such a committee. And accordingly M^r Paca Mes^{rs} Johnson, S. Chase, Potts Mercer, Goldsborough, Tighlman, Hanson J. T. Chase, W. Tighlman Lee, M^cHenry and Gale were appointed. Upon the following amendments the Committee agreed.

1. “That Congress shall exercise no power but what is expressly delegated by this constitntion

2. That there shall be a trial by jury in all criminal cases, according to the course of proceeding in the state wherein the offence is committed; and that there be no appeal from matter of fact, or second trial after acquittal; but this provision shall not extend to such cases as may arise in the government of the land or naval forces

3. That in all actions on debts or contracts and in all other controversies respecting property, or in which the ^{inferior} federal courts have jurisdiction, the trial of facts shall be by jury, if required by either party: and that it be expressly declared, that the state courts in such cases, have a concurrent jurisdiction with the federal courts, with an appeal from either, only as to matter of law, to the supreme federal court, if the matter in dispute be of the value of dollars.

4 That the inferior federal courts shall not have jurisdiction of less than dollars; and there may be an appeal in all cases of revenue, as well in matter of fact as law, and Congress may give the state Courts jurisdiction of revenue

cases, for such sums and [¹⁰“for” stricken out] such manner as they may think proper.

5. That in all cases of trespasses done within the body of a county, and within the inferior federal jurisdiction, the party injur'd shall be entitled to trial by jury in the state where the injury shall be committed; [“and there shall be no appeal from either, except on matter of law;” stricken out] and that it be expressly declared that the state courts, in such cases, shall have concurrent jurisdiction with the federal courts; and there shall be no appeal from either, except on matter of law; and that no person be exempt from such jurisdiction and trial but ambassadors & ministers privileged by the law of Nations

6. That the federal courts shall not be entitled to jurisdiction by fictions or collusion.

7. That the federal judges do not hold any other office of profit, or receive the profits of any other office under Congress, during the time they hold their commissions.

8. That all warrants without oath or affirmation of a person conscientiously scrupulous of taking an oath, to search suspected places or to seize any person or his property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend any person suspected, without naming or describing the place or person in special, are dangerous and ought not to be granted.

9. That no soldier be enlisted for a longer time than four years, except in time of war, and then only during the war

10. That soldiers be not quartered in time of peace upon private houses without the consent of the owners.

11. That no mutiny bill continue in force longer than two years.

12. That the freedom of the press be inviolably preserved.

13. That the militia shall not be subject to martial law, except in time of war, invasion or rebellion”.

Thus far there was a concurrence in opinion either unanimously or by a considerable majority of the Committee. But when the following amendments were laid before the committee, a majority negatived the same.

1. That the militia unless selected by lot or voluntarily enlisted, shall not be marched beyond the limits of an adjoining State, without the consent of their legislature or executive

2. That Congress shall have no power to alter or change the time place or manner of holding elections for senators or representatives unless a state shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases only Congress may interfere, until the cause be removed.

3. That in every law of Congress imposing direct taxes, the collection thereof shall be suspended for a certain reasonable time therein limited, and on payment of the sum by any state, by the time appointed, such taxes shall not be collected.

4. That no standing army shall be kept up in time of peace, unless with the consent of two thirds of the members present of each branch of [“the legislature” stricken out] Congress.

5. That the president shall not command the army in person, without the consent of Congress.

6. That no treaty shall be effectual to repeal or abrogate the constitutions or bills of rights of the states or any part [“s” stricken out] of them

7. That no regulation of commerce or navigation act, shall be made, unless with the consent of two thirds of the members of each branch of Congress.

8. That no member of Congress, shall be eligible to any office of profit under Congress during the time for which he shall be appointed.

9. That Congress shall have no power to lay a poll tax.

10. That no person conscientiously scrupulous of bearing arms in any case, shall be compelled personally to serve as a soldier.

11. That there be a responsible council to the president.

12. That there be no national religion establish'd by law, but that all persons be equally entitled to protection in their religious liberty.

13. That all imposts and duties laid by Congress shall be placed to the credit of the state in which the same be collected, and shall be deducted out of such states quota of the common or general expences of government.

14. That every ^{man} hath a right to petition the legislature for the redress of grievances in a peaceable and orderly manner.

15. That it be declared, that all persons entrusted with the legislative, or executive powers of government are the trustees and servants of the public, and as such accountable for their conduct. Wherefore whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old, or establish a new government; the doctrine of non resistance to arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind".

The introduction of these articles—especially the 7th and 13th—alarmed and gave offence to many of those among the majority—who suspected the motives of M^r Chase and his particular associates to be sinister—and altogether hostile to any effectual plan of national government. And on Monday the 29th while the Committee were sitting—the Convention upon motion resolved, “That this convention will consider of no propositions for the amendment of the foederal government, except such as shall be submitted to them by the Committee of thirteen”. Upon which the Committee being sent for by the Convention, a majority of them determined, that they won’d make no report of any amendments whatsoever. The Convention then immediately adjourned sine die. Since which William Paca, Mes^{rs} S. and J. T. Chase and John F. Mercer, members of the Committee; and Mes^{rs} Martin, Cockey, Harrison, Love, Cromwell Pinkney and 2 Ridgley’s—members of Convention, have appeal’d to the public, complaining of the Convention, defending their own conduct and asserting that they “consider the proposed form of national ^{government} as very defective, and that the liberty and happiness of the people will be endangered if the system be not greatly changed and alter’d”.

I have undertaken this local detail because I thought it might not be unentertaining to you—especially if you have seen no other narrative of the proceedings in Maryland except that which in a Boston paper of May 23 I transmitted to you through M^r Parker. * * *

* * * * *

If a good private opportunity occurs soon I will transmit you a pamphlet or two ^{lately} written in various parts of the Union. The most inferior ^{I have perused} upon the foederal government is attributed

(erroneously I believe) to M^r St George Tucker. Judge Hanson of Maryland treats the same topic well. But M^r Maddison (who I am assured is the genuine author of the two volumes of essays signed publius—and heretofore given to Col. Hamilton of New York) it is agreed transcends every politician who has attempted to explain or defend any system of federal Polity.

* * * * *

Notes of Speech in
Convention of N York

[Indorsement.]

A I A republic a word used in various senses—

[Hamilton Papers
vol VI, p. 119]

has been applied to aristocracies and monarchies

- 1 to Rome under the Kings
- 2 to Sparta though a senate for life
- 3 to Carthage though the same
- 4 to United Netherlands though Stadholder.
Hereditary nobles
- 5 to Poland though Aristocracy and monarchy.
- 6 to G Britain though Monarchy &c


II Again great confusion about the words democracy
Aristocracy Monarchy.

- 1 Democracy defined by some Rousseau &c
a government ["in" stricken out] exercised by the collective body of the People
- 2 Delegation of their power has been
made the Criterion of Aristocracy.

II—Aristocracy has been used to designate governments

- 1 where an independent few possessed sovereignty
- 2 Where the representatives of the people possessed it.
- III Monarchy, where sovereignty in the hands of a single man.
 - 👉 General idea—Independent in his situation in any other sense would apply to State of N York &c
- III Democracy in my sense where the whole power of the government is in the people
 - 1 whether exercised by themselves or
 - 2 by their representatives chosen by them either mediately or immediately and legally accountable to them — — — —
- IV Aristocracy where whole sovereignty is permanently in the hands of a few for life or hereditary—
- V Monarchy where the whole sovereignty is in the hands of one man for life or hereditary — — —
- VI Mixed government where these three principles unite.
- B I Consequence, the proposed government a representative democracy
 - 1 House of representatives chosen by the people ^{directly} for two years
 - 2 Senate indirectly chosen by them for 6 years
 - 3 President indirectly chosen by them for 4 years
 - 👉 Thus [“except” stricken out] legislative and executive representatives of the people
 - 4 Judicial power representatives of the people indirectly chosen during good behaviour.

5 All officers indirect choice of the people

 Constitution revocable and alterable by the people.

C I This representative democracy as far as is consistent
with its genius has all the features of good gov-
ernment

These features—

a 1 An immediate and operative representation of
the people which is found in the house of
representatives

2 Stability and Wisdom
which is found in the senate

3 a Vigorous executive which is found in the
President

4 An independent judicial which is found in the
Supreme Court &c

b—A separation of the essential powers of govern-
ment—

Ascertain the sense of the Maxim

I — one department must not wholly possess
the powers of another.

— Montesquieu

— British Government

II Departments of power must be separated yet
so as to check each other.

1 Executive legislative

2 legislative executive

3 Judicial ["both" stricken out] legislative

4 Legislative judicial

☞ All this done in the poposed constitution

- 1 Legislative in the Congress, yet Checked by negative of Exeentive
- 2 Executive in the President yet checked by impeachment of legis
- 3 Judicial check upon legislative in Interpretation of laws
- 4 And checked by legislative through Impeachment.

D 1 Can such a Government apply to so extensive a territory?

Exaggerated ideas of extent

N	45. ⁵	42 ^c —	
S	31	31	
	<hr/> 14	<hr/> 11	<hr/> 434
	973	["868 ₃ " stricken out]	
		764 ₂ ¹	mean 868 ₄ ³ by
			<hr/> 750

Great Britain—

- 2 Depotic Government for a large country to be examined.

Review

I First house of representatives chosen every second year &^c

II Senate for ["seven"⁶ stricken out] years by Legislatures

Rotation every two years
probable encrease—

Security against
corruption respecting
offices

III Executive manner of appointment

compensation — — —

Negotiation of treaties

Nomination of officers—

IV Judicial power constitution of judges

Extent of powers

inferior Courts

Trial by jury

Criminal cases—.

Powers

I To provide revenue for the common defence

II to regulate commerce

III to declare war

IV to raise & support armies

V admission of new States

V Disposal of property

Miscellaneous advantages

I to prohibit importation of slaves prior to 1808

II account to be rendered of expenditure of monies

III No state shall emit bills of Credit tender ex post facto law or law impairing the obligation of contracts, or grant title of nobility

V Definition of treason

V Guarantee of republican Governments

Discussion

I Concurrent jurisdiction

objections to system proposed recapitulation
 with additional idea respecting necessity
 of standing army—

General observations

- 1 on restraint of revenue necessitating a standing army
- 2 on restraint upon power respecting Militia tending to the same point
- 3 on restraint upon reeligibility of the executive after 8 years—with a Council of influence—

Desireable amendments

Structure of Government

- 1 in relation to house of representatives
- 2 in relation to Court of impeachments
- 3 in relation to standing armies
- 4 in relation to trial by jury.

This being the character of the constitution we are to adopt it is evident that it would be unwise upon speculative defects to reject it or even to do what might by possibility amount to a rejection—


Let us now examine the nature of the proposition before us—

1 First inquiry have we power—

1 Trace ^{it} [illegible word stricken out] Convention direct that it be submitted to conventions for assent and ratification—

2 Congress send it to legislatures to be submitted in conformity to that resolution

3 Joint resolutions submit it for that purpose—

 Consequence we are to assent or reject and have no power to bind the people by amendments of any kind—

+ | Amendments make a new constitution & in this
+ | case the people would be bound upon a contin-
+ | gency of 9 States calling a Convention—

II Could Congress receive it

1 People Creators

2 Congress and all its attributes the Creature

↳ Consequence no attribute or character or power
but there—

What is or is not a ratification is to be sought
for there

3 Is it or is not an assent to that Constitution? It
is not

↳ Congress therefore cannot consider it as such

↳ The test is this—It is professedly a condition which
requires a subsequent assent—

2 Congress must be organised to assent

3 It is not therefore a valid original ratification

3 Nor according to the instrument by which Con-
gress are created-

↳ Can Congress assent—

1 If they can their power must result in theory
from the nature of delegated power—or

2 from some express provision in the Consti-
tution—

3 There is no such express provision—New
States—Mode of alteration

4 Contrary to theory

5 The Depositories of delegated power can
neither increase nor diminish. Leg. pow

6 Examine argument about forbearing exercise

7 Maxim legislature cannot bind itself nor
alienate itself

Therefore 8 Congress cannot constitutionally accept

If they were to attempt it, their act would be
nugatory

What number shall be sufficient to assent to
Conditⁿ

—
[“Question will they in point of expediency
accept it Precent bad.” stricken out]

Is it probable it will be accepted?

I Difficulty will begin with present Congress
about place

II Precedent

III. Obstacle from prejudgment of present Con-
gress many of whom will probably be
members of that

IV Perhaps from the desire of some states to
dismember us—

V From pride for after all ten receivin the law
want of confidence &c

VI From unwillingness to submit the matter to
discretion of a minority

Disadvantages

I—If we are out of the Union we cannot have a voice in
amendments—

I Cui bono? Is it a ground on which we can stand?

Ja^s Monroe to [Thomas Jefferson]

Fredrick'sburg July 12. 1788.

Jefferson Papers
Series 2, Vol. 1, VII
No. 27

Altho' I am persuaded you will have received the proceed-
ings of our convention upon the plan of government sub-
mitted from Phil^a yet as it is possible this may reach you
sooner than other communications I herewith inclose ["it" ^{a copy} Enclosure missing]
stricken out] to you. They terminated as you will find in
a ratification which must be consider'd, so far as a reserva-
tion of certain rights go, as conditional, with the recom-
mendation of subsequent amendments. The copy will
designate to you the part which different gentⁿ took upon
this very interesting & important subject. The detail in the
managment of the business, from your intimate knowledge
of characters, you perhaps possess with great accenracy, with-
out a formal narration of it. 866 369 1064 893 1077
in paired health Pendleton tho' much
406 290 1418 707 in 667 1508 and in every respect in
decline of life the 1514 133 694 1439 1352 694 887 shewed as much
a young man zeal to carry it, as if he had been 101 1243 1199 443.
Perhaps more than he discover'd in the commencement of the
late revolution in his opposition to G. Britain. 1356 812
acted as chairman to the committee
531 1359 764 1216 1418 442 770 812 1040 947
of the whole and of course
1352 812 1284 673 1352 769 took but little part in the
debate, but was for the adoption relying on subsequent
amendments. 300 Blair 1418 said nothing, but was for it. the 812
Governor curious spectacle to view
88 exhibited a 633 145 999 465 101 115 770 1376
having refused to sign the
623 607 130 1323 7 1359 770 431 236 640 812
paper every body him against it
207 641 1247 123 1629 supposed 935 1670 410. But
he afterwards had 1476 640 101 285 & 351 475 640
a part which might be called rather vehement
101 1375 1287 219 1569 985 199 672 1058 182
than active
664 974 531 145 1058 he was constantly labouring to
that his present oft duct con ent with that
shew 698 1108 78 1528 448 1527 420 630 1687 698

however commenc'd again on the publick theatre 812 . 769 .
 which he takes be fe s not only highly
 1287 . 182 475 7 1569 887 7 549 1557 . 392 . 1593 .
 interesting to him but like wise so to
 167 . 872 607 770 . 935 963 1097 1478 . 1196 770 .
 us the human character is not perfect Massachus^s
 1162 : 812 1232 157 31 1341 549 . 576 . 1604 ; 67 .
 if he partakes of those qualities
 1333 . 182 . 1375 521 649 1352 515 183 . 694 507 .
 which we to believe
 649 — 1287 . 1588 have too much reason 770 1249 581 .
 are almost in se per- able from the
 1058 . 1470 . 1117 1619 149 479 576 939 252 . 812 .
 frail nature of our being the people of
 1119 . 983 629 8 1352 266 1569 607 812 636 . 1352 .
 America will perhaps be lost be as- surd
 1519 . 1268 . 358 1569 1424 1543 : 1569 764 388 148 .
 his in- fluence earned this government
 1108 149 1229 212 1069 1209 1160 1517 . 604 ;
 for my own part I have a boundless
 208 . 951 . 852 . 1375 145 216 101 1601 1111 1337
 confidence in him no have I any reason to
 427 . 640 . 276 149 935 1052 216 145 966 621 . 770 .
 believe he will ever furnish occasion for
 1249 . 581 1058 182 1268 641 1489 978 96 208 .
 withdrawing it
 1687 618 1261 607 410 more is to be apprehended
 if he takes the public councils
 1333 182 475 7 a part in 812 809 942 813 . 7 . again
 as he advances in age from the designs
 764 182 117 357 7 149 129 . 252 . 812 787 . 7 of
 around him than from any disposition
 those 101 356 . 1111 935 974 252 966 1564 . 527 .
 his own
 431 761 of 1108 . 852 .

In the discussion of the subject an allusion was made I
 believe in the first instance, by M^r 182 . 640 . 614 [“of”
 stricken out] an opinion 1243 had given on this subject,
 in a letter to M^r 688 372 . This afterwards became the
 subject of much enquiry & debate in the house, as to the
 construction of the contents of such letter & I was happy to
 find the great attention & universal respect with which the
 opinion was treated,—as well as the great regard and high
 estimation in which the author of it was held. It must be
 painful to have been thus made a party in this transaction
 but this must have been alleviated by a consideration of the
 circumstances I have mention'd.

From the first view I had of the report from Phil^a I had
 some strong objections to it—but as I had no inclination to
 inlist myself on either side communi-
 149 694 1543 951 440 1179 676 253 made no 32
 cation declaration my sent- i- ments
 761 or positive 1514 702 310 of 951 1214 145 664 7
 untill after the Convention met—being however desirous to
 communicate them to [⁹⁵¹“my”^{my} stricken out] constituents ^I145
 address’d the enclos’d letter to them, with intention of giving
 them a view thereof eight or ten days before it met; but the
 impression was delayed so long, & so incorrectly made, and
 the whole performance upon reexamination so loosely drawn
 that ^I145 thought it best to suppress it. There appear’d
 likewise to be an impropriety in interfering with the subject
 in that manner in that late stage of the business. I enclose
 it you for your perusal & comment on it.

Enclosure missing.
 A copy is among the
 Monroe Papers, pam-
 phlet, 21 pages.]

* * * * *

[Jefferson Papers,
 series 1, vol. III, No.
 126. Press copy.]

Th: Jefferson to T. L. Shippen esq.

Paris July 13. 1788.

* * * * *

We have letters from America to June 11. Maryland
 had acceded to the constitution by a vote of 63. to 11. and
 South Carolina by 149. to 72. M^r Henry had disseminated
 propositions there for a Southern confederacy. it is now
 thought that Virginia will not hesitate to accede. Governor
 Randolph has come over to the Federalists. no doubt is
 entertained of New Hampshire & North Carolina, and it is
 thought that even N. York will agree when she sees she
 will be left with Rhode island alone. two thirds of their
 convention are decidedly anti-federal. the dye is now
 thrown, & it cannot be many days before we know what
 has finally turned up. * * *

* * * * *

Nath^l Chipman to Alex^{dr} Hamilton Esq^t Wall Street New [Hamilton Papers,
vol. II, p. 100]
York

Tinmouth July 14—1788—

Your character as a federalist, has induced me, altho' personally unknown to you, to address you on a subject of very great importance to the State of Vermont, of which I am a citizen, and from which, I think, may be derived a considerable advantage to the foederal Cause—Ten States have now adopted the new foederal plan of government—That it will now succeed is beyond a doubt—what disputes the other States may occasion, I know not—The poeple of this State, could certain obstacles be removed, I believe, might be induced almost unanimously to throw themselves into the foederal Scale—You are not unacquainted with the situation of a considerable part of our landed property—Many grants ["of" stricken out] were formerly made, by the government of New York, of lands within this territory, while under that jurisdiction—On the assumption of government by the poeple of this State, the same lands, partly, it is said, for want of [mutilated]formation respecting the true situation of those ^{grants,} and partly from [mutilated] opinion prevailing with our then Leaders, that the New York grants within this territory were of no validity, have been granted to others under the authority of this State—It is now generally believed that should we be recevd into the union the New York grants would in the foederal court be preferred to those of Vermont—The Legislature of this State have in some instances made a compensation to the grantees under New York; and I am persuaded, were it in their power, would gladly do the same for others—but they are possessed of no more land for that purpose—for these reasons, I pre-

sume, no others, the Governor and some few gentlemen deeply interested in those lands under Vermont have expressed themselves somewhat bitterly against the new federal plan of government—Indeed were we to be admitted unconditionally it would introduce much confusion—now, Sir, permit me to ask, whether you do not think it probable, that the federal Legislature, when formed, might, on our accession, be induced on some terms to make a compensation to the New York grantees out of their western land? And whether those grantees might not be induced to accept of such compensation? Let me farther suggest whether it might be favorable for Vermont to make some of those amendments, which have been proposed by several States, and which I think are generally within the power of the federal Legislature the basis of her admission? Could the difficulties, I have mentioned, be removed all interest in opposition would here be reconciled; the Idea of procuring Justice to be done those, whom we had, perhaps, injured by our too precipitate measures, and of being connected with a government which promises to be efficient, permanent and honorable, would I am persuaded produce the greatest unanimity on the subject—if you think these matters worthy the attention of the Friend of the confederacy, be good enough to write me by my brother, who will be the bearer of this—

Our Legislature will meet in October, when these matters will be taken up seriously—. Several gentlemen of my acquaintance who are men of influence, and will be members of the Legislature have requested me to procure all the information in my power on this subject—Any thing you may communicate to me in confidence will be sacredly attended to, of which

Mr Kelly who writes by the same opportunity will give you the fullest assurance—

- 1 not permitted to be out of union
- 2 Self preservation—West Point
- 3—Interest to consolidate—

[Hamilton Papers,
vol. VI p. 123.]

II Discontented minorities—

- 1 Examine story of expediency
- 2 history of minorities. Rhode Island N Carolina—

III Unequal contest

- 1 Government organised
- 2 Ruling parties in each state Federal
- 3 Sea Coast source of Wealth Federal
- 4 Property abilities Federal.

[“But why risk” stricken out]

IV [“Suppose contest equal what the consequences of two great parties marshalled against” stricken out]

Where look for aid?

1. If to G B will she afford it unless with views of conquest & France &

V Suppose contest equal—

What result if two great parties marshalled against each other &


Who will be the leader?

Who are we willing to trust?

VI . . Why risk all this?

- 1 Will it not be more expedient to acquiesce.

2 What motive—Southern district will join?

1  N York odious.

3 What situation of the rest of the State?

VII History of [^{previous measures—}“opinions leading to Convention &c”
stricken out]

1 Impost begat Convention

2 Rejection of constitution may beget a des-
potism.

3 Various opinions respecting government
Love of repose would unite all—

VIII Various opinions concerning mode of rectifying—
present constitution

1 This peaceable expedient adopted

2 What responsibility if frustrated by us?

1 Republics disgraced till revolution—

2 Situation favourable—

3 Objects not yet obtained

1 4 Cause calls upon us to do nothing—improper—

2 Most distinguished Patriots in and out of
convention—

G. Livingston—

Dickinson

Rutledge—

Franklin

Washington—

3 Heroes who have died

4 Sister states

5 Mankind.

6 — Heaven

Fra^s Hopkinson to His Exc^y T. Jefferson Esqⁱ Paris

Philad^a July 17th 1788

[Jefferson Papers
Series 2, vol. XI, No.
42.]

* * * You will perceive that our great object for near a Twelve month past has been the Formation & Ratification of a new System of Federal Government—I sent you the Plan proposed by the General Convention, long ago—Since the World began, I believe no Question has ever been more repeatedly & strictly scrutenized or more fairly & freely argued, than this proposed Constitution—It has now been solemnly ratified by 10 States viz. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia—New York now hesitating—North Carolina to determine the last of this month.—Rhode-Island has not even call'd a Convention but seems disposed to do it—Whether This is the best possible System of Government, I will not pretend to say—Time must determine; but I am well persnaded that without an efficient federal Government, the States must in a very short Time sink into Contempt & the most dangerous Confusion—Many Amendments have been proposed by the ratifying States, but discordant with each other—A Door is left open in the Constitution itself for Amendments; but so large a Concurrence is made necessary that, it may be supposed none will be admitted but such as shall co-incide with general Opinion & general Interest.—The new System was long argued & powerfully opposed in Virginia; however, she made the 10th assenting State, by a Majority of 11 in Convention—Nothing can equal the Rejoicings in the Cities Towns & Villages [“of” stricken out] thro’out the States on the late fourth of July in Celebration of the Declaration of Independence & the Birth of the new Constitution—The

Papers are fill'd with Accounts of Processions, Toasts &c—
As a Specimen, I enclose the Exertions of Philadelphia on
this Occasion—Altho' the State of New York hath not
ratified, & it is very doubtful whether she will or no,—yet
the City is making grand Preparations for an Exhibition
on the 22^d It is confidently talk'd that if the Convention
should reject, the City of New York, with Straten & Long
Islands, will seporate themselves from the State & join
the Union—

* * * * *

[Letters to Wash-
ington, vol. LXXII,
p. 345.]

John Jay to His Ex^y Gen^l Washington

Poughkeepsie 17 July 1788

Copy

We the Delegates of the People of the State of New York,
duly elected in Pursuance &c^a having fully and fairly dis-
cussed the Constitution &c^a do make known and declare

That after the most mature Deliberation they have been
able to give the Subject, a majority of them cannot approve
the whole of the said Constitution without amendments
[“and” stricken out] or alterations for the following among
other Reasons.

1 Because some of the most important powers granted
by this constitution, are expressed in Terms so general
indefinite & ambiguous, as to leave the Rulers in the
Exercise of them to act too much at Discretion—

2 Because the Limits of the powers of the general &
State Governments are not marked out with sufficient Pre-
cision—nor those of the former so defined as entirely to pre-
vent a clashing of Jurisdiction; & there is Reason to fear

that the State Governments may be empai'd by the general Governm^t in the Exercise of powers granted in such general words, and by Implication only—Especially

3^d Because the Constitution gives to Congress an indefinite and unlimited power over all the Resources of Revenue in the Union, by which Means there is Reason to fear that the Individual States will be left without adequate means of discharging ^{their} Debts or maintaining their civil Establishments

4 Because the Number of Representatives are not sufficiently numerous at present to possess a competent Knowledge of and Attachment to the Interests of their Constituents, or to afford a Reasonable Degree of Confidence; and no certain Ratio ^{of Increase} is fixed, but left at the Discretion of the Congress.

5 Because the power of regulating the Times places & manner of holding Elections, 'tho in the first Instance given to the respective State["s," stricken out] Legislatures, is yet ultimately placed under the controul of the Congress, by which means they will have it too much in their power to secure their own Continuance.

6 Because an improper mixture of legislative executive and judicial powers are lodged in the Senate. It is a maxim in a free Governm^t that the legislative executive and judicial Departm^{ts} should be kept separate. Tho' this cannot be effected in all its Extent, yet it may be much nearer attained than is done in this System—for the Senate not only form a Branch of the Legislature, but are also associated with the President in the Exercise of the most important executive powers, and form the highest judicial Court for the Trial of Impeachments—

7 The judicial powers in this Constitution, are given in too general and indefinite Terms, are so various and extensive that they may easily be made by legal Fiction to extend too far, and absorb some of the judicial powers of the respective States. No explicit Security is given for Trial by Jury in common Law Cases, and that ancient and usual mode of Trial in criminal Matters is not secured. The appellate Jurisdiction both as to Law and Fact may deprive the Citizen of Safety from Juries, and render the obtaining of Justice difficult dilatory and expensive—For these and various other Reasons this Convention would be induced not to accede to this Constitution, did not other weighty Considerations interpose—but the strong Attachments they feel to their Sister States and their Regard to the common good of the Union impel them to preserve it—

This Convention have the firmest Confidence in the common Councils of the People of the united States, and the highest Expectations that all the necessary Amendments will be produced from there farther Deliberations. They therefore consent with the utmost cheerfulness to abide the Result of such Deliberations [“of such Deliberations” stricken out]—But as some Time will be necessary to effect this, the Convention will forbear to dissent from their Brethren of the other States. They have therefore agreed to assent to and ratify the said Constitution, in the firmest Confidence that an opportunity will be speedily given to revise and amend the said Constitution in the mode pointed out in the fifth article thereof—expressly reserving nevertheless to this State a Right to recede and withdraw from the s^d Constitution in Case such opportunity be not given within Years.

And this Convention do recommend to the Congress that the Power to lay and collect Taxes &c^a to call out the Militia &c^a &^a be not exercised or made to operate on this State in any other manner than is proposed in the Amendments recommended by this Convention, untill the Sense of the People of the united States be taken on the Propriety of the Amendments to the Constitution in one or the other of the Modes pointed out in it—

Resolved that it be recommended to the Legislature of this State to request the Congress to call a Convention to consider of and propose Amendments to this constitution at their next Session; and that the Amendments agreed to by this Convention be transmitted to such convention when met, to be laid before them—

Resolved that a circular Letter be addressed to all the States in the Union, inclosing the foregoing, and earnestly inviting them to join with this State in requesting the Congress at their first meeting to call a Convention of the States to consider of the Amendm^{ts} proposed by all the States—

Since my arrival here I have written you two or three hasty Letters—being constantly involved in Business or Company from w^h it would not be here very practicable or perhaps prudent to retreat, I have been able to write but very little—The Convention this moment adjourned and I am writing in their Chamber. A Question being about to be put on the mode of adoption which you have seen, we moved that the House adjourn for a month or two—It was yesterday carried against us—The former Question was ^{again} pressed with Earnestness—At that Period M^r M. Smith seconded by M^r Platt (both of whom dislike the Constitution,

and are classed with its opposers) proposed the mode of adoption, of which the above is a Copy—Their own party were not pleased and the House adjourned. This Morning it was expected that the Question to postpone the former plan, and proceed to the Consideration of the latter, would be put. The House went into a Committee of the whole according to the order of the Day—A long Silence ensued—The Party seemed embarrassed—fearful to divide among themselves, and yet many of them very averse to the new Plan. The Committee rose, and the House adjourned, with very little opposition—It is difficult to conjecture what may be done out of Doors to Day. I am inclined to think that the new plan will expel the other, and I wish it may, not because I approve of it, but because I prefer it as being less exceptionable than the other—

[Jefferson Papers,
series 1, vol. III, No.
128. Press copy.]

Th: Jefferson to E. Rutledge esq.

Paris July 18. 1788.

* * * * *

I congratulate you on the accession of your state to the new federal constitution. this is the last I have yet heard of, but I expect daily that my own has followed the good example, & suppose it to be already established. our government wanted bracing. still we must take care not to run from one extreme to another; not to brace too high. I own I join those in opinion who think a bill of rights necessary. I apprehend too that the total abandonment of the principle of rotation in the offices of President & Senator will end in abuse. but my confidence is that there will for a long time be virtue & good sense ^{enough} in our countrymen to correct abuses.

we can surely boast of having set the world a beautiful example of a government reformed by reason alone without bloodshed. but the world is too far oppressed to profit of the example. * * *

G^o Washington to The Hon^{ble} John Jay Esq^r

Mount Vernon July 18th 1788

[Washington Papers, Letter-book 6C, p. 172. Transcript.]

A few days ago, I had the pleasure to receive your letter from Poughkeepsie—since which I have not obtained any authentic advices of the Proceedings of your Convention. The clue you gave me, to penetrate into the principles and wishes of the four classes of men among you who are opposed to the Constitution, has opened a large field for reflection and conjecture. The accession of Ten States must operate forcibly with all the opposition, except the class which is comprehended in your last discription. Before this time you will probably have come to some decision. While we are wating the result with the greatest anxiety, our Printers are not so fortunate as to obtain any papers from the Eastward. Mine which have generally been more regular, have, however, frequently been interrupted for some time past.

It is extremely to be lamented that a new arrangement in the Post Office, unfavorable to the circulation of intelligence, should have taken place at the instant when the momentous question of a general Government was to come before the People. I have seen no good apology, not even in M^r Hazard's publication, for deviating from the old custom, of permitting Printers to exchange their Papers by the Mail. That practice was a great public convenience and gratifica-

tion. If the privilege was not from convention an original right, it had from prescription strong pretensions for continuance; especially at so interesting a period. The interruptions in that mode of conveyance, has not only given great concern to the friends of the Constitution, who wished the Public to be possessed of every thing that might be printed on both sides of the question: but it has afforded its enemies very plausible pretexts for dealing out their scandals, and exciting jealousies by inducing a belief that the suppression of intelligence, at that critical juncture, was a wicked trick of policy, contrived by an Aristocratic Junto. * * *

* * * * *

P. S. Since writing the foregoing, I have been favored with your letter which was begun on the 4th and continued till the 8th and thank you for the information therein contained—your next will, I hope, announce the ratification by your State without previous amendments.

[Madison Papers,
vol. XVI p. 8.]

A Hamilton to The Honorable James Maddison Jun Esq
New York

Poughkeepsie Saturday

I thank you My Dear Sir for yours by the post. Yesterday I communicated to Duer our situation which I presume he will have communicated to you. It remains exactly the same, no further question having been taken. I fear the footing mentioned in my letter to Duer is the best upon which it can be placed; but every thing possible will yet be attempted to bring the party from that stand to an unqualified ratification. Let me know your idea of the possibility of our being received on that plan. You will understand

that the only qualification will be the reservation of a right to recede in case our amendments have not been decided upon in one of the modes pointed out in the Constitution within a certain number of years . . . perhaps five or seven.— If this can in the first instance be admitted as a ratification I ^{do} not fear any further consequences. Congress will I presume recommend certain amendments to render the structure of the government more secure. This will satisfy the more considerate and honest opposers of the constitution, and with the aid of time will break up the party.

J^s Madison to Honble Alexander Hamilton Poughkeepsie [Hamilton Papers,
vol. XX, p. 127.]
N. York Sunday Evening

Yours of yesterday is this instant come to hand & I have but a few minutes to answer it. I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is that a reservation of a right to withdraw if amendments be not decided on under the form of the Constitution within a certain time, is a conditional ratification, that it does not make N. York a member of the New Union, and consequently that that she could not be received on that plan. Compacts must be reciprocal, this principle would not in such a case be preserved. The Constitution requires an adoption in toto, and for ever. It has been so adopted by the other States. An adoption for a limited time would be as defective as an adoption of some of the articles only. In short any condition whatever must viciate the ratification. What the New Congress by virtue of the power to admit new States, may be able & disposed to do in such case, I do not enquire as I suppose that is

This idea of reserving right to withdraw was started at Richmond & considered as a conditional ratification which was itself considered as worse than a rejection

not the material point at present.— I have not a moment to add more than my fervent wishes for your success & happiness.

[Madison Papers,
vol. XVI, p. 2.]

Rufus King to James Madison Jun^r Esq^r

Boston 20 July 1788

I most sincerely congratulate you on the decision of your convention, and am pleased to hear from your Colleague M^r Brown that by this Time you have returned to New York—I am greatly indebted to you for the frequent information of the progress of your Convention, and should before now have made you my acknowledgements, had I not supposed that you was on your way to Congress, and that Letters addressed to you in Virginia would pass you on your Journey—New York must have finished their Session, and we hope the result has been favorable; but should it be otherwise, it will be generally understood & believed in this Quarter, that the rejection arose from selfish and unworthy motives; the character of the Constitution will not thereby be injured, the attachment of the people will not be diminished, but the Sentiments concerning New York, which exist in Connecticut & New Jersey, will prevail in this State & in New Hampshire—We are without any accounts or opinion, concerning North Carolina, you must soon be informed of their Determination; and we hope that Congress will not long delay what they have to do towards organizing the Government—

* * * * *

G^o Washington to His Excell^y John LangdonMount Vernon July 20th 1788

[Washington Papers, Letter-book 6C, p. 177. Transcript.]

I had the satisfaction to receive regularly your favour of the 21st Ult^o announcing the adoption of the federal government by the Convention of New Hampshire. You will already have been informed, through the ordinary channels of communication, that the same event took effect in this State a few days afterwards. And I am happy to say, that, so far as I have been able to learn, a spirit of harmony and acquiescence obtained among the large and respectable minority in a great a degree as could possibly have been expected.

If we may calculate upon rectitude in the views and prudence in the conduct of the leading characters throughout the States, accompanied by industry and honesty in the Mass of the people, we may assuredly anticipate, a new æra; and, perhaps, we shall not deceive ourselves by expecting a more happy one than hath before appeared on this chee-
too sanguine or to expect that we shall be
 quered scene of existence. But we ought not to be entirely exempted from the ills which fall to the lot of humanity.

* * * * *

G^o Washington to The Hon^{ble} Sir Edw^d NewenhamMount Vernon July 20th 1788

[Washington Papers, Letter-book 6C, p. 183. Transcript.]

* * * * *

I hope the United States of America will be able to keep disingaged from the labyrinth of European politics and wars; and that before long they will, by the adoption of a good national government, have become respectable in the eyes of the world, so that none of the maritime Powers, especially

none of those who hold possessions in the New World or the West Indies shall presume to treat them with insult or contempt. It should be the policy of United America to administer to their wants, without being engaged in their quarrels. And it is not in the ability of the proudest and most polite people on earth to prevent us from becoming a great, a respectable and a commercial Nation, if we shall continue United and faithful to ourselves.

Your solicitude that an efficient and good government may be established in this country, in order that it may enjoy felicity at home and respectability abroad, serves only to confirm me in the opinion I have always entertained of your disinterested and ardent friendship for this Land of freedom. It is true, that, for the want of a proper Confœderation, we have not yet been in a situation fully to enjoy those blessings which God and nature seem to have intended for us. But I begin to look forward, with a kind of political faith, to scenes of national happiness, which have not heretofore been offered for the fruition of the most favoured Nations. The natural, political, and moral circumstances of our nascent empire justify the anticipation. We have an almost unbounded territory whose natural advantages for agriculture and commerce equal those of any on the globe. In a civil point of view we have the unequalled privilege of choosing our own political Institutions and of improving upon the experience of mankind in the formation of a confœderated government, where due energy will not be incompatible with the unalienable rights of Freemen, that the information and morals of our citizens appear to be peculearly favorable for the introduction of such a plan of government as I have just now described.

Although there were some few things in the Constitution recommended by the fœderal Convention to the determination of the People, which did not fully accord with my wishes; yet, having taken every circumstance seriously into consideration, I was convinced it approached nearer to perfection than any government hitherto instituted among men. I was also convinced, that nothing but a genuine spirit of amity and accomodation could have induced the members to make those mutual concessions and to sacrifice (at the shrine of enlightened Liberty) those local prejudices, which seemed to oppose an insurmountable barrier, to prevent them from harmonising in any System whatsoever.

But so it has happened by the good pleasure of Providence, and the same happy disposition has been diffused and fostered among the People at large. You will permit me to say, that a greater Drama is now acting on this Theatre than has heretofore been brought on the American Stage, or any other in the World. We exhibit at present the novel and astonishing Spectacle of a whole People deliberating calmly on what form of government will be most conducive to there happiness; and deciding with an unexpected degree of unanimity in favour of a system which they conceive calculated to answer the purpose.

It is only necessary to add for your satisfaction, that, as all the States, which have yet acted and which are ten in ^mnuber, have adopted the proposed Constitution; and as the [^]concurrence of nine States was sufficient to carry it into effect in the first instance, it is expected the government will be in complete organization and execution before the commencement of the ensuing year.

* * * * *

[Washington Papers, Letter-book 6C, p. 180. Transcript.]

G^o. Washington to Jonathⁿ. Trumbull Esq^r.

Mount Vernon July 20th 1788

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You will have perceived from the public Papers, that I was not erroneous in my calculation that the Constitution would be accepted by the Convention of this State. The Majority, it is true, was small, and the minority respectable in many points of view. But the great part of the minority here, as in most other States, have conducted themselves with great prudence and political moderation; insomuch that we may anticipate a pretty general and harmonious acquiescence. We shall impatiently wait the result from New York and North Carolina. The other State which has not yet acted is nearly out of the question. As the infamy of the conduct of Rhode Island outgoes all precedent, so the influence of her counsels can be of no prejudice. There is no State or Description of men but would blush to be involved in a connection with the Paper-Money Junto of that Anarchy. God grant that the honest men may acquire an ascendancy before irrevocable ruin shall confound the innocent with the guilty.

I am happy to hear from Gen^l Lincoln and others that affairs are taking a good turn in Massachusetts, but the Triumph of salutary and liberal measures over those of an opposite tendency seems to be as complete in Connecticut as in any State and affords a particular subject for congratulation. Your friend Col^o Humphreys informs me, from the wonderful revolution of sentiment in favour of federal measures, and the marvellous change for the better in the elections of your State, that he shall begin to suspect that miracles have not ceased; Indeed, for myself, since

so much liberality has been displayed in the construction and adoption of the proposed General Government, I am almost disposed to be of the same opinion. Or at least we may, with a kind of grateful and pious exultation, trace the finger of Providence through those dark and mysterious events, which first induced the States to appoint a general Convention and then led them one after another (by which steps as were best calculated to effect the object) into an adoption of the system recommended by that general Convention—thereby, in all human probability, laying a lasting foundation for tranquility and happiness; when we had but too much reason to fear that confusion and misery were coming rapidly upon us.

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J^r Madison Jr to Gen^l Washington

N. York July 21. 1788.

[Letters to Washington, vol. LXXIII, p. 3. Madison Papers, vol. IV, p. 47. Copy.]

I have deferred writing since my arrival here in the hourly hope of being enabled to communicate the final news from Poughkepsie. By a letter from Hamilton dated the day before yesterday I find that it is equally uncertain when the business will be closed, and what will be its definitive form. The inclosed gazettes state the form which the depending proposition bears. It is not a little strange that the Antifederal party should be ["brought" stricken out] reduced to such an expedient, and yet be able to keep their members together in the opposition. Nor is it less strange that the other party, as appears to be the case, should hesitate in deciding that the expedient as effectually keeps the State ^{for y^e present} out of the New Union as the most unqualified rejection could do. The intelligent citizens here see clearly that

this would be its operation and are agitated by the double motives of federalism, and a zeal to give this City a fair chance for the first meeting of the new Government.

Congress have deliberated in part on the arrangements for putting the new Machine into operation, but have concluded on nothing but the times for choosing electors &c. Those who wish to make N. York the place of meeting studiously promote delay. Others who are not swayed by this consideration do not urge despatch. They think it would be well to let as many States as possible have an opportunity of deciding on the Constitution: and what is of more consequence, they wish to give opportunities where they can take place for as many elections of State Legislatures as can precede a reasonable time for making the appointments and arrangements referred to them. If there be too great an interval between the acts of Congress on this subject and the next election or next meeting of a State Legislature, it may afford a pretext for an intermediate summoning of the existing members, who are every where less federal than their successors hereafter to be elected will probably be. This is particularly the case in Maryland, where the antifederal temper of the Executive would render an intermediate and extraordinary meeting of the Assembly of that State the more likely to be called. On my way thro' Maryland I found such an event to be much feared by the friends and wished by the adversaries of the Constitution. We have no late news from Europe. Nor any thing from N. Carolina.

G^o Washington to Nath^l Gorham Esq^r.Mount Vernon July 21st 1788

[Washington Papers, Letter-book 5C, p. 190. Transcript.]

I received your congratulatory letter of the 5th instant by the last Mail. It gives me reciprocal satisfaction to find that the adoption of the Constitution by Virginia has diffused so general a joy through the other States. The good disposition manifested by the Citizens of your Commonwealth excites also a flattering and consolatory reflection in all who wish well to Fœderal interest and the glory of the American Nation. Much happiness may rationally be anticipated from the encreasing prevalence of industry and frugality, invigorated and encouraged by the operation of a free yet effecient general Government.

Although I am passing rapidly into the Vale of Years, where the general warmth of youth that fires its votary with a generous enthusiasm becomes extinct & where the cheerlessness of the prospect often infects the animal spirits with a similar contagion; yet I trust there are few who rejoice more fervently in the expectation that the beams of prosperity will break in upon a Country, which has ever engaged my most disinterested wishes and fondest hopes. And although I shall not live to see but a small portion of the happy effects, which I am confident this system will produce for my Country; yet the precious idea of its prosperity will not only be a consolation amidst the encreasing infirmities of nature and the growing love of retirement, but it will tend to sooth the mind in the inevitable hour of seperation from terrestrial objects.

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[Madison Papers,
vol. XVI, p. 3.]

A. Hamilton to The Honorable James Maddison Jun^r
New York

July 22^d 1788

I wrote to you by the last post since which nothing material has turned up here—We are debating on amendments without having decided what is to be done with them. There is so great a diversity in the views of our opponents that it is impossible to predict any thing. Upon the whole however our fears diminish

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Madison Papers,
vol. XVI, p. 4.]

Tench Coxe to [James Madison]

Philad^a July 23^d 1788

Since you left Philadelphia I have kept my attention awake to the conduct of the most able—as well as the most active members of the late opposition. I find those who were excessively violent, active & unreserved in their opposition are perfectly silent. Their conduct carries more of ceasing to oppose, than of acquiescence. But some of the most sensible, cautious and artful characters express a disposition to acquiesce in the execution of the Government, and at the same bring forward the Idea of Amendments. Among them is constantly the resumption of the power of direct taxation. This seems to be the point most dear to the opposition here, and no other is much felt. They sometimes wish the house of representatives larger, & some few press it a good deal. I see no objection to it at present, except the encrease of expence, tho I have never considered it. The government would certainly be more popular on every other account than the expence, if the Representatives were more numerous.

The argument urged here against direct taxation by the federal legislature is that no uniform mode can be devised that will be found practicable, & that, if the mode is not uniform, it will be considered as partial. In other places it has been opposed because it will reduce the importance of the state governments. The latter, I believe, is the principal reason here, tho covered & kept out of sight by putting the other forward. An Argument in favor of direct taxation being left with ["with" stricken out] Congress, of some weight & of a very popular complexion, is that the federal house (the great check belonging to the people at large) is constituted upon more equal & truly republican principles than the greater part of the most numerous houses of state legislature. In analyzing the federal & state legislatures a few evenings past to see which of them upon a jealous popular inspection would best stand the touchstone of the peoples feelings & of reason, I find but one point or degree in which the federal house deviates from ["the most"^{an} stricken out] equal distribution of power & votes among the people at large, & that is in the slave states, where $\frac{3}{5}$ of persons not free are thrown in to fix the Number of Representatives. In the state Governments there are several instances of Counties or districts of ["a given"^{the smallest} stricken out] size ["possessing" stricken out] sending the same number of Senators as counties & districts of twice the size, and of counties of ^{the smallest size sending the same Number of Rep^s as counties of} ["a given size sending" stricken out] three, four & five times their size. Instead of size I should have said population. This argument I have introduced in the enclosed paper which was written to soothe some remaining discontents in one or two of our western Counties that have been very grossly deceived. If it will

[Enclosure missing.]

of
be any service in the less enlightened parts of New York,
it might be of use to republish it.

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[Letters to Wash-
ington, vol. LXXIII,
p. 6.]

John Jay to His Ex^y Gen. Washington

Poughkeepsie 23 July 1788

I wrote to you a few Days ago and inclosed a copy of certain Propositions, or mode of adoption—great objections to it being urged it was withdrawn for the present. The Convention proceeded to Day in debating on the Plan of conditional amendment. some of the Anti Party moved for striking out the words on condition and substituting the words in full confidence—it was carried 31 to 29 in the committee—so that if nothing new should occur this State will adopt unconditionally—the Party however mean to rally their forces and endeavour to regain that Ground. * * *

[Jefferson Papers,
Series 2, vol. XXV, No.
67.]

C W F Dumas to Son Exc^e Mr. Jefferson

La haie 24 Juillet 1788

* * * * *

Une Lettre d'Amsterdam, du 21 du cour^t m'apprend, "that by a Ship arrived the same day from N. York, there "are Letters up to the 10th ult", by which the appearances "for the accession of the State of N. Y^k to the new federal "plan are less flattering than before, the Members elected "for that Convention being two thirds antifederalists: Yet "there was a Chance, that if nine States had come in, N. "York could do the like thro' policy"—[Nous ne nous en flattons pas trop]— "The accounts of Virginia and N. "Carolina were promising, and all seem to think, the new

"Government would be decided upon the Beginning of
"July."—

Nous espérions, les amis & moi, que 12 États s'y conformeroient, & nous sommes vraiment mortifiés qu'un État principal comme celui de N. Y^k tant pour le Commerce que pour son local, reste en défaut pour se faire ensuite tirer l'oreille par de longs pourparlers. Quoiqu'il en soit, dans mon opinion tout doit finalement tourner bien; & j'aime à me persuader, que le mois d'Août ne se passera pas sans que j'en reçoive la nouvelle positive, tant de V. E. que de nos amis d'Amst^m

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J^s Madison Jr. to [Thomas Jefferson]

[Madison Papers
vol. IV. p. 48.]

New York. 24. July 1788

Your two last unacknowledged favors were of Dec^r 20. and Feb^r 6. They were received in Virginia, and no opportunity till the present, precarious one by the way of Holland, has enabled me to thank you for them.

I returned here about ten days ago from Richmond which I left a day or two after the dissolution of the Convention. The final question on the new plan of Government was put on the 25th of June. It was twofold 1. whether previous amendments should be made a condition of ratification. 2. ["whether" stricken out] directly on the Constitution in the form it bore. On the first the decision was in the negative, 88 being no, 80 only ay. On the second & definitive question, the ratification was affirmed by 89 ays agst 79. noes. A number of alterations were then recommended to be considered in the mode pointed out in the Constitution itself. The meeting was remarkably full; Two members

only being absent and those known to be on the opposite sides of the question. The debates also were conducted ^{on the whole} with a very laudable moderation and decorum, and continued untill both sides declared themselves ready for the question. And it may be safely concluded that no irregular opposition to the System will follow in that State, at least with the countenance of the leaders on that side. What local eruptions may be occasioned by ill-timed or rigorous executions of the Treaty of peace against British debtors, I will not pretend to say. But altho' the leaders, particularly H-y- & M-s-n, will give no countenance to popular ^{violences} ["discontent," stricken out] it is not to be inferred that they are reconciled to the event, or will give it a positive support. On the contrary both of them declared they could not go that length, and an attempt was made under their auspices to induce the minority to sign an address to the people which if it had not been defeated by the general moderation of the party, would probably have done mischief.

Among a variety of expedients employed by the opponents to gain proselytes, Mr ^{Henry} 182 . 640 . 614 . 1032 . 673 . 1065 . ^{him} Col. Mason in ^{tro} duced ^{first} and ^{after} opinions expressed 935 . 750 . 428 . 149 . 865 . 168 . 147 . 707 . the 1680 . 543 . 1359 . 149 . 101 . 285 . 252 . 101 . 25 . 923 . 865 . [378 . ^{Donald} or ^{Skipwith} 688 . 372 . 324 . 1402 . 145 . 941 . 1687 . 145 . 1249 . 694 . 504 . 8] and endeavored to turn the influence of ^{your name} 717 . 344 . ^{against} ^{parts} of which I k- new you ^{approved} 1670 . 1375 . 1352 . 1287 . 145 . 1251 . 1039 . 1243 . 782 . 248 . 783 . In this ^{truth} 431 . 1094 . 310 . 145 . 758 . 410 . 404 . 8 . 770 . 816 as well as that it would be most agreeable to ^{yourself} 1570 . 440 . ^{accordingly} ^{took} the ^{liberty} to ^{state} and 11 . 1593 . 600 . 1251 . 812 . 694 . 849 . 788 . 770 . 174 . ^{some} of ^{your} opinions on the ^{favorable} side 473 . 1352 . 1570 . 1680 . 1179 . 812 . 396 . 939 . 253 . I am ^{from} ^{you} were informed that copies or extracts of a letter 252 . 1243 . 1260 .

handed about at the Maryl^l Convention with a
 1223 · 1359 · 1377 · 301 · 812 · 59 · 1527 · 779 · 1687 · 101 ·
 like view of impeding the ratification
 1097 · 1376 · 1352 · 406 · 1022 · 607 · 812 · 610 · 1333 · 771 ·
 310.

N. Hampshire ratified the Constitution on the 21st Ult: and made the ninth State. The votes stood 57 for and 46. agst the measure. S. Carolina had previously ratified by a very great majority. The Convention of N. Carolina is now sitting. At one moment the sense of that State was considered as strongly opposed to the system. It is now said that the tide has been for some time turning, which with the example of other States and particularly, of Virginia prognosticates a ratification there also. The Convention of N. York has been in Session ever since the 17th Ult: without having yet arrived at any final vote. Two thirds of the members ["met" stricken out] assembled with["out" stricken out] a determination to reject the Constitution, and are still opposed to it in their hearts. The local situation of N. York, the number of ratifying States and the ^{hope} ["design" stricken out] of retaining the federal Government in this City afford however powerful arguments to such men as Jay, Hamilton, the Chancellor Duane and several others; and it is not improbable that some form of ratification will yet be devised by which the dislike of the opposition may be gratified, and the State notwithstanding made a member of the new Union.

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July, 26. We just hear that the Convention of this State have determined by a small majority to exclude from the ratification every thing involving a condition & to content themselves with recommending the alterations wished for.

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[Jefferson Papers,
series 2, vol. XIV, No.
88]

J. B. Cutting to His Excellency Thomas Jefferson Esquire
American Minister near Paris

Since my last which Col. Trumbull had the goodness to inclose and superscribe I have been confined by severe indisposition, otherwise I shon'd have informed you by the last post that New Hampshire had adopted the new constitution by a large majority on the 24th of June. Altho I have not learned the particulars as to numbers &c the fact may be relied upon. Beside the attestation of Cap^t Thompson who brings the account, a M^r Dickason and other english merchants have letters from their correspondents announcing the event.

One hundred and forty of the Convention of Virginia met on the 2^d of June and after having appointed M^r Pendleton their President, resolved that no general, or particnlar question shon'd be taken on the foederal constitution until the same had been considered paragraph by paragraph. There was a rumour in New York on the 12th that Virginia had adopted it. But from the briefness of the interval from the meeting of the Convention to that date I doubt its authenticity.

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There is a gentleman just arrived from Virginia who left the Convention debating on the 11th of June. He says he attended several days—and that nothing can exceed the seeming violence with which M^r Henry and Col Grayson combat the constitution—except the ability with which M^r Maddison and Governor Randolph advocate it. M^r Henry used such harsh language in reprobating the fickle conduct of the latter—that the house compel'd him to ask that gentleman's pardon. No doubt was entertain'd in Virginia ["but" stricken out] respecting the ratification by that State.

Geo: Clinton to His Excellency The President of Congress. [The Papers of the Continental Congress, No. 67, vol. II, p. 550.]
 Poughkeepsie 26th July 1788.

I have the Honor to transmit to your Excellency by the Hands of the Honorable M^r Hamilton a Delegate of this State in Congress a Ratification of the Constitution of the United States by the Convention of this State [Ratification printed in Doc. Hist., II 174-203.]

W^m Tudor to George Washington Esq. Mount Vernon Virginia [Letters to Washington, vol. LXXIII, p. 12.]

Boston 26 July 1788

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A suppressed Rebellion always adds Energy to the Government. And perhaps the late one in our State was a fortunate Event. It is true, that it cost some Lives, & added Eighty thousand pounds to our public Debt. But it's intire Extinction has confirmed the Constitution, given Security & Stability to Property, & most thoroughly tamed many turbulent Spirits in all Parts of the State. To universal Discontent, the most violent party Animosity, & a very alarming Decline of Industry & Manufactures, have succeeded Content, Quiet & productive Labour. The Exports of our State exceeded the Imports, last Year, by two hundred & thirty thousand Pounds and upwards. And we ["are" stricken out] have now rose to be the third exporting State in the Confederacy. The Town of Boston alone, that Year, exported twelve hundred & thirteen thousand Pounds. And it has been considered, in another Point of View, as being still more beneficial, from aiding the Erection of the great federal Fabric, which was so boldly conceived in the general Convention at Philadelphia, & which now,

it is beyond a Doubt, will be [^{ratified} "con" stricken out] by the People.

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[Letters to Washington, vol. LXXIII, p. 16.]

le M^{is} de Chartier De Lolbiniere to [George Washington]

New york, le 27 Juillet 1788.

Voici enfin l'Etat de New york; celui dont j'ai toujours douté le plus, etant le siège de la corruption Britannique, sous la nouvelle constitution comme les autres, ce dont j'ai l'honneur de vous faire mon compliment le plus particulier; et par l'extrême attention que j'ai prise à suivre les principaux employés jusques dans la moindre de leurs démarches partout, et les différens mouvemens que je me suis donné depuis près de trois mois pour faire avorter et réduire en fumée leurs sinistres desseins, Votre Excellence pent juger s'il est sincère, et si ma joye particuliere d'un pareil événement n'est pas très approchante de celle qu'elle en pent ressentir elle-même.

il est heureux pour vos états qu'ils aient poussé les choses avec autant d'acharnement et d'opiniatreté; parceque delà, aucun individu ne pourra douter du danger imminent d'une communication qui, avant, pouvoit être regardée par plusieurs comme indifférente; et qu'ils seront tous à présent décidés à vous en demander la suppression totale, lorsque, comme je l'espere le plus fermement, ils vous auront placé à la tête de leur nouveau gouvernement: alors, avec cette confiance entiere de la part de tous, sans la plus petite exception; avec cette sagesse et expérience consommée que je vous connois, rien de si aisé à Vôte Excellence que de fixer à jamais le bonheur constant [^{"constant"} stricken out] de ceux qui vivent et vivront dans les états.

James McHenry to His Excellency George Washington Esq^r [Letters^r to Washington, vol. LXXIII, p. 14.]
 Mount Vernon

Baltimore 27 July 1788.

It is whispered here that some leading characters among you have by no means dropped their resentment to the new constitution, but have determined on some secret plan to suspend the proper organization of the government or to defeat it altogether. This is so serious and alarming a circumstance that it is necessary to be apprised of its truth, ^{and extent} that we may be on our guard against attempts of the antifederals to get into our assembly, as in all probability the next legislature will meet before the time for commencing proceedings by the new Congress. Here every means is made use of to do away all distincting between federal and antifederal and I suspect with no very friendly design to the federal cause. If such a plan has been hatched I think you must have heard of it. I shall therefore be much obliged to you to give me a hint of it as soon as possible.

J^s Madison Jr to Col. J^s Madison

[Madison Papers, vol. IV, p. 49.]

New York July 27. 1788.

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After a very tedious discussion, the Constitution has been ratified by the Convention of this State. It was carried by a majority of 5, the ays being 30. the noes 25. Amendments in general similar to those of Virg^a are recommended, and a confidence expressed in the act of adoption that they will be incorporated in the Constitution. The Convention of N. Carolina has not been heard from since it met. Congress are at present making the arrangements for putting the Government into operation.

[Letters to Washington, vol. LXXIII, p. 21.]

H Knox to [George Washington]

New York 28 July 1788

It is with the most sincere satisfaction that I congratulate you on the uncondition adoption of the constitution by the convention of this state. The particulars of this important event are contained in this days paper herein enclosed.

Mess^{rs} Jay Hamilton and the rest of the federalists have derived great honor from their temperate and wise conduct during the tedious debates on this subject—Nor ought those Gentlemen who were opposed to the constitution in the first instance, but afterwards voted for [^{its adoption}“the constitution” erased] be deprived of their due share of praise for their candor and wisdom in assuming different conduct when it became apparent that a perseverance in opposition would most probably terminate in [“C” written upon “h”]ivil war for such and nothing short of it were the prospects.

We have now thank Heaven eleven states which have adopted the system—Conduct and wisdom almost superior to the lot of humanity will be required in the first outset of the New Constitution—

Congress will soon publish an ordinance for the necessary elections and organization—The times of election and period of organization will not be difficult to be determind But the place where they shall assemble will be warmly contested The two places generally thought on are Philadelphia and New York—at present it is difficult to say in favor of which it will be determind—a few days will more explain the matter—

* * * I have hitherto refrained from acknowldg [crowded at end of line] the receipt of y^r kind favor of the 17th of June, as the affairs in this convention were so

gloomily circumstanced but it is now dissipated—Governor Clinton has most perseveringly opposed the constitution, and from being in the majority during almost the whole time he has found himself so much deserted as to be in the minority. A precise history of his conduct is difficult to be written and must be left to time to explain.

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Th: Jefferson to M. Dumas.

[Jefferson Papers
series 1, vol. III, No.
149. Press copy.]

Paris July 30. 1788.

Your favor of the 24th has just come to hand, and that of the 20th of June had never been acknowledged. I congratulate you on the news just received of the accession of New Hampshire to the new Constitution which suffices to establish it. I have the honor to inclose you details on that subject, as also on the reception of mr Adams, which you will be so good as to reduce to such a size as may gain them admission into the Leyden gazette. * * *

[Thomas Jefferson] to Count de Monmorin

[Jefferson Papers,
series 1, vol. III, No.
147. Press copy.]

Paris July 30. 1788.

I have the pleasure to inform your Excellency that the new Constitution proposed for the United states is finally established by the vote of nine states. New Hampshire acceded to it certainly on the 24th of June, and I have great reason to conclude that Virginia had done it some days before, in which case the vote of New-Hampshire would be the tenth.

[Madison Papers,
vol. XVI, p. 7. Jef-
ferson Papers, series
1, vol. III, No. 152.
Press copy.]

Th: Jefferson to hon^{ble} James Madison.

Paris July 31. 1788.

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I sincerely rejoice at the acceptance of ["the" stricken
out]^{our} new constitution by nine states. it is a good canvas, on
which some strokes only want retouching. what these are,
I think are sufficiently manifested by the general voice from
North to South; which calls for a bill of rights. it seems
pretty generally understood that this should go to Juries,
Habeas corpus, Standing armies, Printing, Religion & Mon-
opolies. I conceive there may be difficulty in finding gener-
al modifications suited to the habits of all the states. but
if such cannot be found then it is better to establish trials
by Jury, the right of Habeas corpus, freedom of the press &
freedom of religion in all cases, and to abolish standing
armies in time of peace, and Monopolies, in all cases, than
not to do it in any. the few cases wherein these things may
do evil, cannot be weighed against the multitude ["of cases"
stricken out] wherein the want of them will do evil. in dis-
putes between a foreigner & a native, a trial by jury may
be improper, but if this exception cannot be agreed to, the
remedy will be to model the jury by giving the medietas
linguae in civil as well as criminal cases. why suspend the
Hab. corp. in insurrections & rebellions? the parties who
may be arrested may be charged instantly with a well
defined crime. of course the judge will remand them. if
the publick safety requires that the government should
have a man imprisoned^{on} less probable testimony in those
than in other emergencies; let him be taken & tried, retaken
& retried, while the necessity continues, only giving him

redress against the government for damages. examine the history of England: see how few of the cases of the suspension of the Habeas corpus law have been worthy of ^{that} suspension. they have been either real treasons wherein the parties might as well have been charged at once, or sham-plots where it was shameful they should ever have been suspected. yet for the few cases wherein the suspension of the hab. corp. has done real good, that operation is now become habitual, & the minds of the nation almost prepared to live under it's constant suspension. a declaration that the federal government will never restrain the presses from printing any thing they please, will not take away the liability of the printers for false facts printed. the declaration that religious faith shall be unpunished, does not give impunity to criminal acts dictated by religious error. the saying there shall be no monopolies lessens the incitements to ingenuity, which is spurred on by the hope of a monopoly for a limited time, as of 14. years; but the benefit ^{even of limited monopolies} is too doubtful to be opposed to that of their general suppression. if no check can be found to keep the number of standing troops within safe bounds, while they are tolerated as far as necessary, abandon them altogether, discipline well the militia, & guard the magazines with them. more than magazine-guards will be useless if few, & dangerous if many. no European nation can ever send against us such a regular army as we need fear, & it is hard if our militia are not equal to those of Canada or Florida. my idea then is, that tho' proper exceptions to these general rules are desireable & probably practicable, yet if the exceptions cannot be agreed on, the establishment of the rules in all cases will do ill in very few. I hope therefore a bill of rights will be formed to

guard the people against the federal government, as they are already guarded against their state governments in most instances. the abandoning the principle of necessary rotation in the Senate, has I see been disapproved by many; in the case of the President, by none. I readily therefore suppose my opinion wrong, when opposed by the majority as in the former instance, & the totality as in the latter. in this however I should have done it with more complete satisfaction, had we all judged from the same position.

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[Letters to Washington, vol. LXXIII, p. 25.]

Tobias Lear to His Excellency General Washington.

Portsmouth N. H. July 31st 1788.

I received your very obliging favor of the 29th Ult^o and feel grateful for the pleasure it gave me by communicating the joy which was felt in your vicinity upon receiving the doubly pleasing intelligence of the accession of New Hampshire & Virginia to the proposed Constitution.—Its adoption by the latter State gave peculiar & inexpressible satisfaction to the good people in these parts; for, notwithstanding the ratification by New Hampshire was the key-stone of the fabrick, they still trembled for the consequences if Virginia should reject it—they knew the importance of the Dominion as an acquisition to the Union—they knew its ability, beyond any other State, to support independence—they had the best grounds to beleive that a rejection there would produce similar effects in New York & N^o Carolina,—and their fears were kept up by concurrent acc^{ts} from that quarter of the strong & able opposition which it met with in the Convention.—These fears were, however, happily done away by the

joyous tidings of its adoption.—N^o Carolina is now looked upon as certain;—and what will be the determination of New York at present they do not seem to regard, for it is not doubted but that they must ultimately accede to the general Government.

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G^o Washington to James M^cHenry Esq^r

Mount Vernon July 31st 1788

[Washington Papers. Letter-book cC, p. 190a. Transcript.]

In reply to your recent favour, which has been duly received, I can only observe; that, as I never go from home except when I am obliged by necessary avocations, and as I meddle as little as possible with politics that my interference may not give occasion for impertinent imputations, so I am less likely than almost any person to have been informed of the circumstance to which you allude. That some of the leading characters among the Opponents the proposed government have not laid aside their ideas of obtaining great and essential changes, through a constitutional opposition, (as they term it) may be collected from their public speeches. That others will use more secret and, perhaps, insidious means to prevent its organization may be presumed from their previous conduct on the subject. In addition to this probability, the casual information received from Visitants at my house, would lead one to expect that a considerable effort will be made to procure the election of Antifederalists to the first Congress; in order to bring the subject immediately before the State legislators, to open an extensive correspondence between the minorities for obtaining alterations, and in short to undo all that has

been done. It is reported that a respectable Neighbour of mine has said, the Constitution cannot be carried in execution, without great amendments. But I will freely do the opposition with us the justice to declare, that I have heard of no cabals or canvassings respecting the elections. It is said to be otherwise on your side of the river. By letters from the eastern States I am induced to believe the Minorities have acquiesced not only with a good grace, but also with a serious design to give the government a fair chance to discover its operation by being carried into effect. I hope and trust that the same liberal disposition prevails with a large proportion of the same description of men in this State. Still, I think there will be great reason, for those who are well-affected to the government, to use their utmost exertions that the worthiest Citizens may be appointed to the two houses of the first Congress and where State Elections take place previous to this choice that the same principle govern in these also. For much will doubtless depend on their prudence in conducting business at the beginning; and reconciling discordant dispositions to a reasonable acquiescence with candid and honest measures. At the same time it will be a point of no common delicacy to make provision for effecting such explanations and amendments as might be really proper and generally satisfactory; without producing or at least fostering such a spirit of innovation as will overturn the whole system.

I earnestly pray that the Omnipotent Being who hath not deserted the cause of America in the hour of its extremest hazard; will never yield so fair a heritage of freedom a prey to Anarchy or Despotism.

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